

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimants

Dean R. Sander

NASD Arbitration  
No.92-02222

Name of Respondents

David Alan Park  
David Duke Financial, Inc

---

REPRESENTATION

For Claimant: Paul N. Young, Securities Arbitration Group, Inc., Marina del Rey, California

For Respondents: David A. Park, David Duke Financial, Inc., Los Angeles, California

CASE INFORMATION

Statement of Claim filed: July 6, 1992  
Claimant's Submission Agreement signed: June 30, 1992  
Amendment to Claim filed: August 14, 1992  
Statement of Answer filed: None submitted  
Respondents' Submission Agreements signed: None submitted

HEARING INFORMATION

Hearing Dates / Sessions:  
June 10, 1993 - One session  
June 28, 1993 - Two sessions  
Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleged misrepresentation, breach of fiduciary duty and lack of suitability with respect to investments in the Boardwalk Fund and Quest Fund, commodity pools registered with the N.F.A. and C.F.T.C.

**RELIEF REQUESTED**

Claimant requested compensatory damages of \$23,500 plus punitive damages of \$6,000 and interest from October 1, 1987.

Respondents did not file an answer, but appeared at all hearings.

**OTHER ISSUES CONSIDERED AND DECIDED**

The parties have agreed to receive conformed copies of the Award while the original remains on file with the NASD.

**AWARD**

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents David Alan Park and David Duke Financial, Inc., are jointly and severally liable for and shall pay to Claimant the sum of \$10,000 in satisfaction of all claims.
2. The claim for punitive damages is dismissed.
3. The parties shall each bear their respective costs, including attorneys fees.

**FORUM FEES**

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall retain the \$100 non-refundable filing fee paid by Claimant, but shall refund the \$300 hearing session deposit to Claimant.

Respondents David Alan Park and David Duke Financial are jointly and severally liable for all forum fees as follows:


3 sessions @ \$300 / session = \$900.00

Fees are payable to the National Association of Securities Dealers, Inc.

**ARBITRATOR**

Name .....	Public / Industry
Libbe R. Murez	Public Chairperson

Concurring Arbitrator's Signature

  
\_\_\_\_\_  
Libbe R. Murez