

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Stephen E. Martin

NASD Arbitration
No. 92-2815

Name of Respondent

Raymond H. Lubeck

REPRESENTATION

For Claimant: In Pro Se

For Respondent: In Pro Se

CASE INFORMATION

Statement of Claim filed: August 21, 1992

Claimant's Submission Agreement signed: August 17, 1992

Statement of Answer filed by Respondent: None

Respondent, Raymond H. Lubeck's, Submission Agreement signed: April 16, 1993

HEARING INFORMATION

Hearing Dates/Sessions: April 16, 1993 - Two Sessions

Hearing Location: San Francisco, California

CASE SUMMARY

Claimant, Stephen E. Martin, (Martin) alleged that Respondent, Raymond H. Lubeck (Lubeck), induced claimant to purchase and hold certain "penny stocks" by misrepresenting or concealing key information about the company^{es} and the prospects for their stocks, the market for the stocks, stock prices and sales commissions.

Respondent, Lubeck, denied each and e^{very} allegation of the claim.

RELIEF REQUESTED

Claimant requested recovery in excess of \$11,000.00 for losses suffered, plus interest.

Respondent requested dismissal of the claim in its entirety.

OTHER ISSUES CONSIDERED & DECIDED

At the opening of the hearing, David Mishel, the sole arbitrator appointed to hear the claim, disclosed that he should have been reclassified as an industry arbitrator due to the nature of his legal practice. After making said disclosure, Mr. Mishel offered to recuse himself. The parties, however, stipulated to allow the hearing to go forward with Mr. Mishel as the arbitrator.

Respondent, Raymond Lubeck, did not file a written answer. Claimant made a motion to disallow any testimony by Mr. Lubeck. Said motion was denied.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the original remain 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. Respondent, Raymond H. Lubeck, is liable and shall pay to Claimant, Stephen E. Martin, the sum of Four Thousand Four Hundred Dollars and No Cents. (\$4,400.00).
2. Claimant's claim for interest is denied.
3. The parties shall each bear their respective costs and fees.
4. The NASD shall retain all fees and deposits.

FORUM FEES

No additional forum fees were assessed.

ARBITRATORS

Name <i>R. David Mishel</i>	Public/Industry
R. David Mishel, Esq.	Public Chairperson

Concurring Arbitrator's Signatures
