

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

The Gulati Trust
Vinay and Seema Gulati, Trustees

NASD Arbitration
No. 92-03283

Name of Respondent

Otra Clearing Inc.

REPRESENTATION

For Claimant: Robert E. Thompson, Esq. - San Francisco, California

For Respondent: Scott G. Monson, Esq - RKS Financial Group, Inc.
Salt Lake City, Utah

CASE INFORMATION

Statement of Claim filed: September 29, 1992

Claimant's Submission Agreement signed: October 9, 1992

Statement of Answer filed by Respondent: December 14, 1992

HEARING INFORMATION

Hearing Date(s)/Sessions: May 6, 1993 - Two Sessions

Hearing Location: San Francisco, California

CASE SUMMARY

Claimant, The Gulati Trust, alleged that the Trust placed a sell order for 365,000 shares of Codercard, Inc., at \$0.10 per share, however, upon receipt of their confirmation the sell price was actually \$.0025 per share. Prior to placing said order, respondent never attempted to explain to claimant any risks associated with the placing of claimant's order nor did respondent advise claimant of the possibility of any significant price fluctuations prior to respondent's execution of claimant's order.

Respondent, Otra Clearing, now known as RKS Discount Brokerage Services, that the brokerage division was established merely as a convenience to customers of introducing broker-dealers who had ceased business operations. RKS Discount Brokerage did not solicit the transaction placed by Claimant and merely provided Claimant with an avenue to sell his stock at the current market price.

RELIEF REQUESTED

Claimant sought to recover damages in excess of \$36,000.00, interest, punitive damages of \$36,000.00, costs, interest and attorney's fees.

Respondent sought dismissal of the claim in its entirety.

OTHER ISSUES CONSIDERED & 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 and post hearing submissions (if any), the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Each and every claim of Claimant, The Gulati Trust, against Otrac Clearing, Inc. (RKS Financial Group, Inc.) is dismissed.
2. The parties shall each bear their respective costs and fees.

FORUM FEES

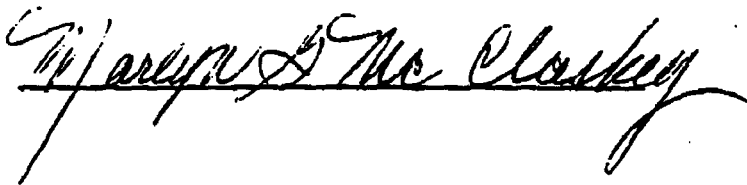
Pursuant to Section 43c of the Code of Arbitration Procedure, the following forum fees are assessed:

- a. The NASD shall retain Claimant's hearing session deposit of \$400.00 as an assessment for one hearing session at \$400.00.
- b. Respondent is assessed and shall pay to the NASD a forum fee of \$400.00. Fees are payable to the National Association of Securities Dealers, Inc.

ARBITRATORS

<u>Name</u>	<u>Public/Industry</u>
Mario Barsotti	Public Chairperson
F. Richard Middaugh	Public Panelist
Marlyn McClaskey	Industry Panelist

Concurring Arbitrators' Signatures



Date of Decision: 6/7/93