

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Daniel J. Trierweiler

92-04297

Name of Respondent

Martin H. Corsberg

REPRESENTATION

For Claimant: Jacqueline D. Scott, Esq. of Varnum, Riddering, Schmidt & Howlett.

For Respondent: Clifford L. Neuman, Esq. of Neuman & Cobb.

CASE INFORMATION

Statement of Claim filed: December 23, 1992.

Claimants' Submission Agreement signed on: December 14, 1992.

Statement of Answer filed by Respondent, Martin Howard Corsberg on: February 8, 1993.

Respondent, Martin Howard Corsberg's Submission Agreement signed on: February 4, 1993.

HEARING INFORMATION

Hearing Date/Sessions: August 5, 1993 - 2 Sessions.

Hearing Location: American Arbitration Association - Southfield, MI.

CASE SUMMARY

Claimant alleges that upon the recommendation of Respondent, Martin Howard Corsberg, ("Corsberg") and upon the inducement that Corsberg would execute the trades without charging any commissions, Claimant purchased shares of Disease Detection International Inc. ("DDI"). Claimant alleges that as a result of the representation that he would not be charged commissions, he repeatedly permitted Corsberg to execute trades in DDI stock. Claimant alleges that the confirmation slips misrepresented the actual price of the securities and did not reveal that commissions were charged. Claimant alleges that Corsberg in fact, charged hidden commissions on the DDI trades and that the prices stated on the confirmation slips were inflated from the actual purchase prices.

Respondent maintains that Claimant called him upon the referral of Corsberg's friend. Corsberg maintains that Claimant was interested in making an investment in DDI. Respondents asserts that Claimant initiated several substantial investments in DDI.

Respondent denies that he agreed or offered to execute the trades without charging commissions. Respondents asserted that the issue in this case is whether the mark-ups or mark-downs were consistent with the NASD rules of fair practice. Respondent maintains that the claim of illegal mark-up and mark-down is frivolous.

RELIEF REQUESTED

Claimant requested actual damages in the amount of \$108,308.75 plus any hidden commissions charged to him, plus costs, expenses and attorney's fees. Claimant also requested exemplary damages in an amount to be determined by the panel.

Respondent requested dismissal of the Claim.

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 originals remain on file with the NASD.

AWARD

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

- 1) The Statement of Claim is hereby denied in its entirety.
- 2) Each party shall bear their respective costs of this action, including attorney's fees, except as detailed below.

OTHER COSTS

- 1) Claimant is hereby assessed the costs of the Respondent's travel and lodging in the amount of \$3,516.00 and shall pay this amount to the Respondent.
- 2) Claimant is also assessed the expert witness fees of the Respondent in the amount of \$1,675.00 and shall pay this amount to the respondent.

FORUM FEES

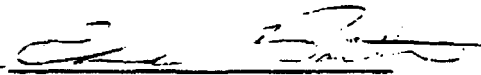
Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed.

\$200.00	Non-refundable filing fee
\$1,500.00	Hearing session fees (2 sessions x \$750.00)

Total forum fees in the amount of \$1,700.00 are hereby assessed against the Claimant. Claimant is entitled to offset this amount with the \$950.00 previously deposited with the NASD. Claimant is directed to pay the balance of \$750.00 to the NASD, Inc.

Concurring Arbitrator's Signature
Name

Public Chairperson



Richard G. Porter, Esq.

Executed on:

~~Date of Decision:~~ 11/22/93

Date of Decision: October 4, 1993

AWARD

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

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Concurring Arbitrator's Signature
Name


Bruce F. Coleman

Industry Arbitrator

Date of Decision: October 4, 1993

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Concurring Arbitrator's Signature
Name

Public Arbitrator

Michael R. Hillman

Executed on:

~~Date of Decision:~~

9/22/93

Date of Decision: October 4, 1993