

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

Name of Claimant

Michael Dina

No. 93-00045

Name of Respondent

Hamilton Investments, Incorporated

REPRESENTATION OF PARTIES

For Claimant: Steven A. Greenberg, Esq., Chicago, Illinois.

For Respondent: Rosemarie J. Guadnolo, Esq. of Horvath & Lieber, P.C., Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed on or about: January 4, 1993.

Claimant's Submission Agreement signed: January 26, 1993.

Statement of Answer filed by Respondent on or about: March 29, 1993.

Respondent's Submission Agreement signed on: March 16, 1993.

HEARING INFORMATION

Hearing date: October 14, 1993. Two (2) sessions.

Hearing Location: Chicago, Illinois.

CASE SUMMARY

Claimant(s), alleged: Unsuitability; failure to execute; unauthorized trades; and misrepresentations by Respondent Hamilton Investments, Incorporated's ("HII") employees. The allegations arose out of transactions in the following securities: Microsoft stock and calls; CETUS; Sun Micro Systems; Chips and Technologies, Inc.; and American Travelers Corp. Claimant stated that the transactions took place between August of 1989, and March of 1990.

Claimant further alleged that the Chips and Technologies, Inc. stock had been purchased on margin without his authorization.

In its Answer, Respondent denied the allegations in the Statement of Claim to the extent that they were inconsistent with exhibits A through F attached to the Answer. Respondent stated that neither of the brokers mentioned in the Statement of Claim has ever had any customer complaints directed against them while employed by Respondent, other than the Claimant. Lastly, Respondent stated that in 1990, Claimant made a complaint to the NASD, which investigated the matter fully, and took no action.

RELIEF REQUESTED

Claimant requested damages in excess of \$10,000.00.

Respondent requested that the Statement of Claim be dismissed in its entirety,, and for costs.

OTHER ISSUES CONSIDERED & DECIDED

Arbitrator Paul Sussman was unable to attend the hearing on this matter due to illness. At the hearing, the parties confirmed on the record that the hearing could proceed with the two undersigned arbitrators, and that a decision could be entered by them, without arbitrator Sussman's participation, if they were in agreement on an Award.

The parties have agreed that the Award in this matter may be executed by 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(s) remain on file with the NASD.

AWARD

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

1. Claimant, Michael Dina's claims are hereby denied and dismissed with prejudice, except as set forth below.
2. Respondent, Hamilton Investments, Incorporated is liable for, and shall pay to the Claimant, Michael Dina, the sum of \$500.00, as satisfaction for his claim for costs herein.

OTHER COSTS

Each party shall pay its own costs, other than as enumerated in paragraph two (2) above, associated with this arbitration, including attorney's fees, except as may be set forth more fully below.

FORUM FEES

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

1 hearing session x \$400.00 = \$400.00

Pursuant to Section 43(c) of the Code, the NASD shall retain the nonrefundable filing fee in the amount of \$100.00, and shall retain the hearing session deposit in the amount of \$400.00 previously paid to the NASD by the Claimant.

Additional forum fees in the amount of \$400.00 are assessed against Respondent Hamilton Investments, Incorporated.

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

CONCURRING ARBITRATORS

Dated:

Name:

October 19, 1993

/s/Saul A. Epton
Saul A. Epton
Presiding Chair
Public Arbitrator

October 19, 1993

/s/Scott M. Krantz
Scott M. Krantz
Industry Arbitrator

Date of Service by the NASD: 10-21-93