

**N.A.S.D. FINAL ORDER**

**NATIONAL ASSOCIATION OF SECURITIES DEALERS**

**In the Matter of the Arbitration Between**

**Name of Claimant**

**Kenneth W. Brown**

**93-00145**

**Name of Respondents**

**Dean Witter Reynolds, Inc.**

**REPRESENTATION**

**For Claimant, Kenneth Brown ("Brown"): L. Anton Rebalko, Esq. of the Law Offices of L. Anton Rebalko, P.A., Fort Lauderdale, Florida.**

**For Respondent, Dean Witter Reynolds, Inc. ("DWR"): Bradford Kaufman, Esq., of Steele, Hector and Davis, West Palm Beach, Florida.**

**CASE INFORMATION**

**Statement of Claim filed: 1/13/93 and amended on 6/15/93 and 9/15/94.**

**Claimant's Submission Agreement signed on: 1/12/93.**

**Respondent, DWR's Statement of Answer filed on: 2/22/93 and amended 10/6/94.**

**HEARING INFORMATION**

**Prehearing conferences were held on December 6, 1994 and on July 20, 1995 with a single arbitrator. Hearings in the above referenced matter were held on October 23, 24, 25 1995, and February 22, 23, 26, 27, 28, 1996.**

**OTHER ISSUES**

**1. Dean Witter has agreed to amend the Claimant's 1982 U-5 to reflect that Claimant was discharged from Dean Witter for violating Dean Witter's rules which prohibited Dean Witter employees from meeting with representatives of regulatory agencies (in this case the NASD) without first notifying Dean Witter.**

**DIRECTED VERDICT**

At the close of Claimant's case, Respondent moved for a Directed Verdict. After considering the pleadings, the testimony and the evidence presented at the hearing, as well as the memoranda relating to the Motion, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent's Motion for a Directed Verdict is hereby granted.
2. Other than Forum Fees noted above, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including attorney's fees.

**FORUM FEES**

Pursuant to Section 44c of the Code of Arbitration Procedure, the Panel has assessed Forum Fees in the amount of Ten Thousand Two Hundred Dollars \$10,200.00 (2 prehearing conferences X \$300 plus 16 hearing sessions X \$600 per session).

1. Claimant is hereby assessed \$5,100.00 for which the NASD shall retain the \$4,800.00 previously paid by Claimant in partial satisfaction thereof, leaving a balance due the NASD of \$300.00.

2. Respondent is hereby assessed \$5,100.00 for which the NASD shall retain the \$4,800.00 previously paid by Respondent in partial satisfaction thereof, leaving a balance due the NASD of \$300.00.

3. Claimant is hereby assessed \$300.00 for the postponement of the hearing which was scheduled for December 12 and 13, 1994.

4. Respondent is hereby assessed \$300.00 for the postponement of the hearing which was scheduled for December 12 and 13, 1994.

Arbitrators Signatures

  
Gary M. Landau, Esq.

Chairperson/Public

  
Judy Arvey

Panelist/Public

  
Robert H. Hagen

Panelist/Industry

Date of Decision: