

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant

Eileen Tunick

NASD Arbitration
No 93-00286

Name of Respondents

David Duke Financial, Inc.
Charles Bergman

REPRESENTATION

For Claimants: Phillip G. Samovar, Esq. - Santa Monica, California

For Respondents: David Park - Deltavest Financial, Inc. - Los Angeles, California

CASE INFORMATION

Statement of Claim filed: January 27, 1993

Claimants' Submission Agreement signed: January 13, 1993

No Joint Statement of Answer filed by Respondents:

HEARING INFORMATION

Hearing Dates / Sessions: April 18, 1994 - One Session

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant, Eileen Tunick, alleged that Respondent, Charles Bergman, while employed by Respondent, David Duke Financial, Inc., convinced her to invest in option trading which was inappropriate in light of Claimant's conservative investment objectives.

Respondents denied each and every allegation in the claim.

RELIEF REQUESTED

Claimant seeks to recover the sum of \$23,641.48 plus punitive damages.

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 remains 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. Each and every claim of Claimant, Eileen Tunick, against Respondent, David Duke Financial, Inc., is dismissed.
2. Each and every claim of Claimant, Eileen Tunick, against Respondent, Charles Bergman, is dismissed.
3. All claims for punitive damages are denied.
4. The parties shall each bear their respective costs and fees.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall retain Claimant's \$300.00 hearing session deposit as an assessment of fees for one hearing session.

ARBITRATOR

<u>Name</u>	<u>Public / Industry</u>
Frank Smith	Public Chairperson

Concurring Arbitrator's Signatures

Frank R. Smith