

N.A.S.D. AWARD

9410046

12/94

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant

Adolf Kohn

NASD Arbitration
No. 93-00497

Name of Respondents

Bekhor Securities Corporation,
dba First Affiliated Securities
Bekhor International Group, Inc.
aka International Barter Investment Group, Inc.
Jonathan E. S. Bekhor

REPRESENTATION

For Claimants: Mark A. Potter, Esq. - San Diego, California

For Respondents: Melvin N. A. Avanzado, Esq. - Christensen, White, Miller, Fink & Jacobs
Los Angeles, California

CASE INFORMATION

Statement of Claim filed: February 9, 1993

Claimant's Submission Agreement signed: March 8, 1993

Joint Statement of Answer filed by Respondents: July 31, 1993

Respondents' Submission Agreement signed: April 30, 1993

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HEARING INFORMATION

Hearing Dates / Sessions: Pre-hearing Conferences:

September 7, 1993
July 29, 1994

Regular Hearing Sessions:

August 3, 1994 - Two Sessions
August 5, 1994 - Two Sessions
August 16, 1994 - Two Sessions

Hearing Location: San Diego, California

CASE SUMMARY

Claimant, Adolf Kohn (Kohn), alleged that Respondents breached a written employment contract and also alleged bad faith denial of the existence of a contract, unfair competition, and loss of compensation.

Respondents denied each and every allegation in the claim and also alleged that the entire employment agreement and the arbitration provision were a sham and fabrication prepared by Kohn without the knowledge or consent of Respondents.

RELIEF REQUESTED

Claimant seeks to recover \$115,000.00 pursuant to Memorandum Agreement, or alternatively, the amount due pursuant to the Employment Agreement, value of insurance which was to be provided to Claimant, expenses incurred by Claimant in order to obtain permanent residence status in the United States, unpaid vacation, losses due to unfair competition and bad faith denial of the existence of said agreements, punitive damages, costs and attorney's fees.

Respondents seek dismissal of the claim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents also filed a Motion to Dismiss, Brief in Support of Motion to Dismiss, Supplemental Brief in Support of Motion to Dismiss along with Declaration executed by Jonathan E. S. Bekhor and Israel Mattatia in Support of the Motion to Dismiss. All filings were presented to the panel for their review.

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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 by the Claimant at the hearing, the undersigned arbitrators entertained a Motion for Non-Suit made by the Respondents and have decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents' Motion for Non-Suit is granted. All claims of Claimant are, therefore, dismissed with prejudice.
2. The parties shall each bear their respective costs and fees.
3. The NASD shall retain all fees and deposits.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure,

1. Claimant is assessed \$2,550.00 representing one-half of total fees for 6 sessions at \$750.00 each and 2 prehearing sessions at \$300.00 each.
2. Respondents are jointly and severally assessed the sum of \$2,550.00.

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

ARBITRATORS

Name Public / Industry

James R. Duncan

Industry Arbitrator

Gunnar Thowsen

Industry Arbitrator

James O. Johnson, Jr.

Industry Arbitrator

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Concurring Arbitrators' Signatures



James R. Duncan

Gunnar Thowsen

James O. Johnson, Jr.

Served 10/28/94

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Concurring Arbitrators' Signatures

James R. Duncan

Gunnar Thowsen
Gunnar Thowsen

James O. Johnson, Jr.

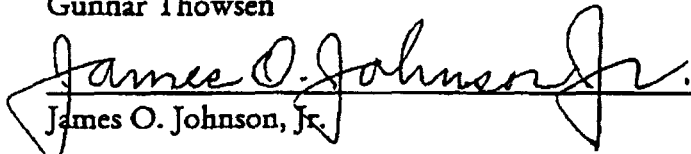
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