

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

LaSalle St. Securities, Inc.

93-01598

Name of Respondent

Mark Robinson

REPRESENTATION

For Claimant at the hearing: David A. Genelly, Esq. of Fishman & Merrick, P.C., Chicago, Illinois.

For Respondent at the hearing: Pro Se.

CASE INFORMATION

Statement of Claim filed: April 20, 1993. Claimant's Submission Agreement signed on: April 16, 1993.

Statement of Answer filed by Respondent on or about: January 28, 1994.

HEARING INFORMATION

Hearing Date/Sessions: February 4, 1994 for one (1) session.

Hearing Location: Chicago, Illinois.

CASE SUMMARY

Claimant, LaSalle Street Securities, Inc. ("LaSalle") alleged that they were found vicariously liable in a previous arbitration which LaSalle alleged resulted only from the actions of its former registered representative, Respondent Mark Robinson ("Robinson"). LaSalle alleged that they were sued in another arbitration proceeding by clients of Robinson for selling commercial paper which was alleged to be an unsuitable investment.

Respondent Robinson alleged that he suggested ways, at their request, to get a little higher rate of return in his client's money market funds without taking a lot more risk. Robinson alleged that he recommended and purchased nine month Stotler Commercial paper after discussing the pros and cons of several possibilities. Robinson further alleged that Stotler defaulted on their commercial paper and filed bankruptcy after regulators announced they were probing irregularities at Stotler. Robinson further alleged that he eventually signed an Independent Correspondents Sales Agreement after LaSalle pressured him to sign it and which they wanted to backdate.

RELIEF REQUESTED

Claimant requested an award from respondent Mark Robinson in the amount of \$105,145.91, plus attorney's fees and costs.

Respondent requested that the claim be dismissed with prejudice and denied.

OTHER ISSUES CONSIDERED & DECIDED

Respondent Mark Robinson did not file with the NASD a properly executed submission to arbitration but is required to submit to arbitration pursuant to Section 8 of the Code and having answered the claim, appeared and testified at the hearing is bound by the determination of the panel on all issues submitted.

Counsel for claimant filed a Motion To Default or In the Alternative a Motion To Bar Any Defense for respondent Mark Robinson's Failure To File a Timely Answer. Mark Robinson filed a response to the motion. The panel granted the motion to bar Robinson from presenting a defense.

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, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent, Mark Robinson shall be and hereby is liable for, and shall pay to the claimant, LaSalle Street Securities, Inc., the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00);

2. Respondent, Mark Robinson shall be and hereby is liable for, and shall pay to the claimant, LaSalle Street Securities, Inc., interest at five percent (5%) on the above stated sum of \$100,000.00 from July 19, 1993 until the amount is paid in full;

3. The claimant's request for attorney's fees is denied;

4. Each of the parties shall bear their own costs and expenses other than those specifically set forth below under Forum Fees.

FORUM FEES

Pursuant to Section 44c of the Code of Arbitration Procedure, the following Forum Fees are assessed.

1 session X \$750 = \$750 minus hearing session deposit of \$750 = net \$0 due.

The NASD shall retain the nonrefundable filing fee in the amount of \$500 and the hearing session deposit in the amount of \$750 which was previously deposited by the claimant with the NASD.

Respondent Mark Robinson shall reimburse to the claimant LaSalle Street Securities, Inc. the amount of \$1250 which represents the nonrefundable filing fee and the hearing session deposit which was previously deposited with the NASD.

By The Arbitration Panel:

Dated:

2-15-94

s/s Charles A. Valente, Esq.
Charles A. Valente, Esq.
Presiding, Industry Arbitrator

2-22-94

s/s John E. Parkes, Jr.
John E. Parkes, Jr.
Industry Arbitrator

2-11-94

s/s Craig W. Henderson
Craig W. Henderson
Industry Arbitrator

Date Award Served By The NASD: 3-14-94