

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Carl Joseph Lanzisera

vs.

NASD Case No.
93-02176

Name of Respondent

Steve F. Miller, Jr.

REPRESENTATION

Claimant, Carl Lanzisera ("Claimant"), represented himself at the hearing.

For Respondent, Steve F. Miller ("Respondent"), Terrance Hoffman, Esq. from the law firm of Hoffman Hurbert, Hoffman & Greenough located in Syracuse, New York.

CASE INFORMATION

Statement of Claim filed on June 2, 1993.

Claimant's Submission Agreement signed on May 14, 1993.

Statement of Answer filed by Respondent on October 26, 1993.

Respondent's Submission Agreement signed on October 26, 1993.

Claimant's Response to Answer and Counterclaim was filed on March 3, 1994.

HEARING INFORMATION

Hearing Date/Session: September 9, 1994 - 2 Sessions

Hearing Location: NASD Offices, 33 Whitehall St., New York, NY

CASE SUMMARY

In his Statement of Claim, Claimant alleges that Respondent violated several provisions of the Code of Arbitration Procedure. He claims that Respondent filed false judgements against him, commenced a civil action against him during arbitration, and that Respondent failed to submit his dispute for arbitration. As a result, Claimant alleges he has suffered legal expense, interference with business relationships and mental, emotional and physical distress.

In his answer, Respondent admits that he instituted a Civil Action against Claimant but alleges that service was made at the conclusion of the arbitration. Respondent further admits he sought money damages from Claimant in a civil action but denies he willfully confirmed the award against Claimant in Onandago County. Respondent defends that a similar claim previously filed by Claimant was rejected by the NASD, that this type of claim is not eligible for submission to the NASD, that he never agreed to binding arbitration with the Claimant, and that the Claimant had the opportunity to litigate his defense and failed to do so which resulted in a default judgment against him.

Respondent counterclaims by alleging Claimant's claim is frivolous. Respondent seeks to have his Supreme Court award confirmed and enforced by the NASD and punitive damages.

In his answer to counterclaim, Claimant reiterates his allegations that the civil action violated NASD rules.

RELIEF REQUESTED

Claimant requests compensatory damages of \$22,500.00 and punitive damages of \$7,500.00.

Respondent requests that the claims of Claimant be dismissed and the relief requested be denied. Respondent further requests confirmation of court award. Additionally, Respondent requests the costs and expenses of this proceeding.

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. Deny Claimant, Carl Lanzisera's claim.
2. Deny Respondent, Steve F. Miller's counterclaim.
3. Both parties shall bear their own legal fees and costs.

FORUM FEES

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

Nonrefundable filing fee:	\$ 500.00
Hearing Session Deposit (2 x \$600.00)	\$1200.00
Total Fees:	\$1700.00

1. Claimant paid \$1100.00 and owes \$600.00.
2. Respondent owes \$0.00.

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

Page 4

NASD Case No. 93-02176

ARBITRATION PANEL

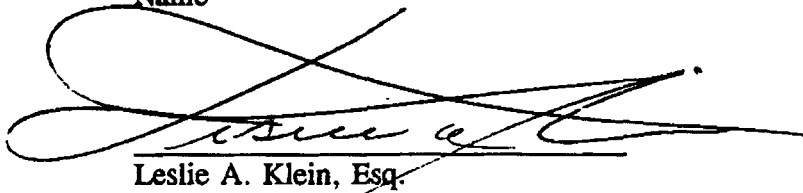
Leslie A. Klein Esq. - Industry - Chairperson

C. Anthony Bell - Industry - Panelist

Michael P. Golden - Industry - Panelist

Concurring Arbitrator's Signature

Name

A handwritten signature in black ink, appearing to read "Leslie A. Klein, Esq.", written over a horizontal line.

Leslie A. Klein, Esq.

Industry Chairperson

NASD Date of Decision: October 26, 1994

Page 5


NASD Case No. 93-02176

STATE OF: *NEW YORK*

COUNTY OF: *NEW YORK*

SS:

On this *21* day of *OCTOBER*, 1994, before me personally appeared **Leslie A. Klein, Esq.** know and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.



ALAN G. BROWER
Notary Public, State of New York
No. 41-1064265
Qualified in Queens County
Commission Expires 7-31-2000

Page 6

NASD Case No. 93-02176

ARBITRATION PANEL

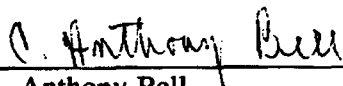
Leslie A. Klein Esq. - Industry - Chairperson

C. Anthony Bell - Industry - Panelist

Michael P. Golden - Industry - Panelist

Concurring Arbitrator's Signature

Name


C. Anthony Bell

Industry Panelist

NASD Date of Decision: October 26, 1994

Page 7

NASD Case No. 93-02176

STATE OF: NY

SS:

COUNTY OF: ROCKLAND

On this 21 day of OCT. , 1994, before me personally appeared C. Anthony Bell known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.

JAMES J. CONCAGH
Notary Public, State of New York
No. 4617424
Qualified in Rockland County
Commission Expires 12/31/95

James J. Concagh

ARBITRATION PANEL

Leslie A. Klein Esq. - Industry - Chairperson

C. Anthony Bell - Industry - Panelist

Michael P. Golden - Industry - Panelist

Concurring Arbitrator's Signature

Name


Michael P. Golden

Industry Panelist

NASD Date of Decision: October 26, 1994

Page 9

NASD Case No. 93-02176

STATE OF: *NY*

SS:

COUNTY OF: *NY*

On this *21* day of *October*, 1994, before me personally appeared **Michael P. Golden** known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that the executed the same.



RICHARD P. DIAZ
Notary Public, State of New York
No. 31-5002124
Qualified in New York County
Commission Expires September 21, 19*96*