

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant(s)

Dean Witter Reynolds Inc.

NASD Arbitration
No. 93-03217

Name of Respondent(s)

Hector Rosales

REPRESENTATION

For Claimant: Michael J. Abbott, Esq., Jones, Bell, Simpson & Abbott, Los Angeles, California

For Respondent: No Appearance by Respondent

CASE INFORMATION

Statement of Claim filed: August 13, 1993

Claimant's Submission Agreement signed: August 10, 1993

Respondent Hector Rosales did not file a Statement of Answer and Submission Agreement but was duly served and is subject to National Association of Securities Dealers, Inc. (NASD) jurisdiction in accordance with Section 12 of the NASD Code of Arbitration Procedure.

HEARING INFORMATION

Pre-Hearing Conference Date(s)/Session(s): None

Hearing Date(s)/Session(s): April 19, 1994 (one session)

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleged that Respondent breached a contractual agreement with Claimant by failing to reimburse Claimant for a debit balance in Respondent's commodity account.

RELIEF REQUESTED

Claimant requested:

1. The balance of \$7,368.88 due and owing under the parties' contractual agreements;
2. Accrued interest at the rate of 10% on \$8,344.00 from February 1, 1991 to February 18, 1991 and 10% interest on \$7,368.88 from February 19, 1991;
3. Cost of arbitration;
4. Reasonable attorneys' fees; and
5. Any and all further relief that the presiding arbitrator deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

The presiding arbitrator received evidence indicating that Respondent was properly notified of the above-captioned arbitration and received the notice of hearing in this matter.

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. Respondent Hector Rosales is liable for and shall pay to Claimant Dean Witter Reynolds Inc. the sum of \$7,368.88 plus interest in the amount of \$2,391.68 representing interest from February 19, 1991 to April 19, 1994.
2. Respondent Hector Rosales is liable for and shall pay to Claimant Dean Witter Reynolds Inc. the sum of \$1,550.00 representing attorney's fees and costs pursuant to paragraph thirteen of the commodity customer agreement executed by the parties on or about November 17, 1989.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following forum fees are assessed: The NASD shall retain the \$300.00 hearing session deposit previously deposited by the Claimant as costs of this proceeding.

ARBITRATOR

Name _____ Public / Industry
Bernard Segelin, Esq. Public Arbitrator

Presiding Arbitrator's Signature

Bernard Segelin
Bernard Segelin, Esq.

Date of Decision: April 19, 1984