

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Michael Rios

93-03309

Name of Respondents

Jeffrey Brooks Securities, Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 23, 1993, Claimant Michael Rios, who appeared Pro Se, alleged that he entered into an agreement with Respondent Jeffrey Brooks Securities Inc. whereby Claimant would complete securities transactions for Respondent and Respondent would pay to Claimant commission at the rate of \$1.00 per 100 shares of securities transacted. Claimant further alleged that from November 22, 1991 through January 13, 1992, Claimant handled sales of securities for Respondent on the American Stock Exchange. Claimant contended that it had satisfied its responsibilities under the contract and Respondent has failed to pay the commission due to Claimant. As a result of the above, Claimant contended that he suffered damages for which the Respondent should be held liable.

Respondent Jeffrey Brooks Securities, Inc., through its representative Michael Dinkes, maintained that the Claimant is not a member of the NASD. Respondent further maintained that Claimant was never an employee of Respondent. Respondent contended that Claimant was not a customer of Respondent. As a result of the above, Respondent maintained that it should not be held liable in this matter.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Jeffrey Brooks Securities, Inc. maintained that the NASD, pursuant to Part 1, Section 1 of the Code of Arbitration Procedure, lacked jurisdiction to arbitrate this matter, and therefore this matter should be dismissed. The arbitrator considered this request and decided that it would be denied.

RELIEF REQUESTED

Claimant Michael Rios requested \$3,718.00 in actual damages, plus interest, costs and legal fees.

Respondent Jeffrey Brooks Securities, Inc. requested that the claims of the Claimant be dismissed.

AWARD

Pursuant to Section 10 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single industry arbitrator, Anthony T. Geraci, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on August 16, 1993 and by the Respondent on October 4, 1993.

And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Respondent Jeffrey Brooks Securities, Inc. is liable and shall pay to Claimant Michael Rios \$3,718.00 in actual damages.
2. Respondent Jeffrey Brooks Securities, Inc. is liable and shall pay to Claimant Michael Rios simple interest at the rate of 6% per annum from January 13, 1992 to May, 1994.
3. The parties shall bear their respective costs, including attorneys' fees.
4. The \$575.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondent Jeffrey Brooks Securities, Inc. is liable and shall pay to Claimant Michael Rios \$575.00 as reimbursement of the filing fee.

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AFFIRMATION

I, **Anthony T. Geraci**, do hereby affirm upon my oath of arbitrator that I am the individual described herein and who executed this instrument. which is my oath and award.



Signature of Arbitrator

DATE OF DECISION: June 13, 1994

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STATE OF: NEW York

SS:

COUNTY OF: Kings

On this 9TH day of June 19 94, before me personally appeared **ANTHONY T. GERACI** to me known and known before me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.



