

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Marc Sharinn

93-05016

Name of Respondent

Andrew Garrett Sycoff

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on December 6, 1993, Claimant Marc Sharinn, who appeared Pro Se, alleged that Respondent Drew Sycoff of Shamrock Partners, Ltd. entered into an oral agreement with him wherein he would be paid \$300.00 a week for his first three months with the firm, plus any additional commissions he earned. The Claimant further alleged that although Respondent Sycoff personally told him that his commissions would be priority mailed to his home, he never received the checks. The Claimant contended that upon reaching the Respondent by telephone, he was told that he would not be paid, and that therefore, he is entitled to recover these monies from the Respondent.

Respondent Andrew Garrett Sycoff, who appeared Pro Se, maintained that Claimant Marc Sharinn currently has a debit balance. Respondent further maintained that he will seek to recover damages from Claimant after this matter is resolved, and that Claimant's claim should be dismissed in its entirety.

In a reply to the Respondent's Answer, dated April 15, 1994, Claimant Marc Sharinn, asserted that the periods for which he has not been paid are June 21, 1993 to July 23, 1993 and July 26, 1993 to August 20, 1993, which Respondent Drew Sycoff did not address. Claimant also alleged that the commission amount due to him was higher than the amount indicated by the confirmations submitted by Respondent Sycoff. The Claimant stated that the reason there was a discrepancy on confirmations submitted by Respondent Sycoff was the fact that they did not reflect the incentive offered to the brokers. Claimant reiterated that Respondent Sycoff should be held liable for commissions owed.

RELIEF REQUESTED

Claimant Marc Sharinn requested \$6,799.18 in actual damages; in addition to costs of litigation and an unspecified amount of punitive damages.

Respondent Drew Sycoff requested that claims of the Claimant be dismissed.

AWARD

Pursuant to Section 10 of the NASD, Inc. Code of Arbitration Procedure, a single Industry Arbitrator, Michael P. Golden, was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on November 11, 1993 and by the Respondent on March 21, 1994.

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. The claims of the Claimant Marc Sharinn against Respondent Drew Sycoff are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. 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.

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AFFIRMATION

I, **MICHAEL P. GOLDEN**, 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: January 19, 1995

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STATE OF: NY

SS:

COUNTY OF: NY

On this 19 day of January 19 95, before me personally appeared **MICHAEL P. GOLDEN** 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.

Deborah A. Jesus

DEBORAH A. DEJESUS
Notary Public, State of New York
No. 02DE5022979
Qualified in New York County
Commission Expires January 24, 19 96