

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of Arbitration Between

Name of Claimant

S.D. Cohn & Company, Inc.

94-00338

Name of Respondent

Hugo August Perotti

REPRESENTATION

For Claimant S.D. Cohn & Company, Inc.: Robert B. McKay, Esq. for the law firm Carney & McKay, Garden City, NY.

For Respondent Hugo August Perotti: Joseph B. LaRocca, Esq., Stamford, CT.

CASE INFORMATION

Statement of Claim filed: January 25, 1994

Claimant's Submission Agreement signed on: January 18, 1994

Statement of Answer filed: February 20, 1994

Respondent's Submission Agreement signed on: February 22, 1994

HEARING INFORMATION

Hearing dates/sessions: Nov. 21, 1994 / One Session
 April 18, 1995 / One Session

The hearings were held at the offices of the National Association of Securities Dealer, Inc. located in New York, New York.

CASE SUMMARY

Claimant, S.D. Cohn & Company, Inc. ("S.D. Cohn"), alleged that respondent Hugo A. Perotti ("Perotti"), a former registered representative at S.D. Cohn, was responsible for debit balances in four of Perotti's customer accounts at S.D. Cohn in the amount of \$20,188.75. In addition, Claimant alleged there was a debit balance in the account of Max Kahn, one of Perotti's customers, in the amount of \$25,342.50. Claimant also alleged that Perotti received an advance of \$200 which was never returned. Claimant acknowledged a payment from respondent of \$570.90 towards the debit balances.

Respondent Perotti maintained that a debit balance in customer account of Mr. Eugene Grinspon of \$31,250, but that \$12,500.87 in Perotti's commissions were applied to that debt. Respondent Perotti further maintained \$35,743.37, two months of commissions, which were owed to Perotti by Claimant, were never paid by Claimant to Perotti. Respondent Perotti maintained that the Max Kahn debit balance was due to a trading error by Charles Sullivan, the office manager at the time, and that Sullivan had said to Perotti that he would "take care of it." Perotti further maintained that discrepancies existed in the accounts receivable of S.D. Cohn & Company's books and that if the books were balanced then S.D. Cohn would owe him money.

RELIEF REQUESTED

Claimant requested damages in the amount of \$45,160.35, plus interest, costs, and fees, and that it be granted such other and further relief as may be just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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

1. All claims by the Claimant be and hereby are dismissed in all respects.
2. Each party shall bear their respective costs including attorney's fees.

FORUM FEES

Pursuant to Section 44(c) of the Code of Arbitration Procedure, the arbitrators have assessed the following forum fees:

The NASD shall retain the sum of \$1,200.00 representing forum fees for 2 hearing sessions in the matter on November 21, 1994 and April 18, 1995.

$\$600.00 * 2 = \$1,200.00$ to be split equally by all parties.

Claimant: $\$600.00 - \600.00 on deposit = 0 Net due.

Respondent: $\$600.00 =$ Net due.

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

NASD Award #94-00338

ARBITRATORS' SIGNATURES

A handwritten signature in black ink, appearing to read 'G. Robert Abrams', with a long horizontal line extending to the right.

G. Robert Abrams
Industry Chairperson

E. Stephen Walsh, Esq.
Industry Arbitrator

Michael Udoff, Esq.
Industry Arbitrator

Date of decision: June 12, 1995

STATE OF: NY

SS:

COUNTY OF: NY

On this 11 day of June, 1995, before me personally appeared G. Robert Abrams, Esq. known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

Laura C. Yacko

LAURA C. YACKO
Notary Public, State of New York
No. 31-4845781
Qualified in New York County
Commission Expires January 27, 1997 7

STATE OF:

SS:

COUNTY OF:

On this _____ day of _____, 1995, before me personally appeared E. Stephen Walsh, Esq. known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

STATE OF:

SS:

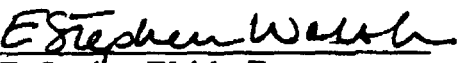
COUNTY OF:

On this _____ day of _____, 1995, before me personally appeared Michael Udoff, Esq. known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

NASD Award #94-00338

ARBITRATORS' SIGNATURES

G. Robert Abrams
Industry Chairperson


E. Stephen Walsh, Esq.
Industry Arbitrator

Michael Udoff, Esq.
Industry Arbitrator

Date of decision: June 12, 1995

STATE OF:

SS:

COUNTY OF:

On this day of , 1995, before me personally appeared **G. Robert Abrams, Esq.** known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

STATE OF: *New York*

SS:

COUNTY OF: *New York*

On this *7th* day of *June* , 1995, before me personally appeared **E. Stephen Walsh, Esq.** known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

Amelia Sadowsky

AMELIA A. SADOWSKY
Notary Public, State of New York
No. 01SA5025207
Qualified in New York County
Commission Expires March 21, *1996*

STATE OF:

SS:

COUNTY OF:


On this day of , 1995, before me personally appeared **Michael Udoff, Esq.** known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

NASD Award #94-00338

ARBITRATORS' SIGNATURES

G. Robert Abrams
Industry Chairperson

E. Stephen Walsh, Esq.
Industry Arbitrator



Michael Udoff, Esq.
Industry Arbitrator

Date of decision: June 12, 1995

STATE OF:

SS:

COUNTY OF:

On this day of , 1995, before me personally appeared **G. Robert Abrams, Esq.** known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

STATE OF:

SS:

COUNTY OF:

On this day of , 1995, before me personally appeared **E. Stephen Walsh, Esq.** known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

STATE OF: *New Jersey*

SS:

COUNTY OF: *Hudson*

On this *7th* day of *June*, 1995, before me personally appeared **Michael Udoff, Esq.** known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

Denise Pellicano

DENISE PELLICANO
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCT. 15, 1998