

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Steve Rowe

95-00154

Name of Respondents

Keith Menendez
John Angelo

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on January 9, 1995, Claimant, Steve Rowe ("Rowe"), who appeared Pro Se, alleged that on October 9, 1994, Respondent Keith Menendez ("Menendez"), an employee of Lew Lieberbaum & Co., Inc., solicited the purchase by Claimant of 600 shares of Ceder Group ("CGMV") stock at a price of \$7.67 per share based on Menendez's guarantee that the price of CGMV would rise 15-20% in about 6-7 weeks. Rowe further alleged that based on Menendez's advice, Rowe took out a cash advance loan on his credit card to pay for the purchase. Rowe contended that the price of CGMV subsequently decreased and that he contacted Menendez's supervisor, Respondent John Angelo ("Angelo"), who promised Rowe that the stock would positive gains in the near future. As a result of the above, the Claimant alleged that he has suffered damages for which the Respondents should be held liable.

Respondents, Menendez and Angelo, through counsel Stuart N. Kingoff, Esq., Garden City, New York, maintained that they made no guarantees or promises to Claimant regarding the purchase of CGMV. Respondents further maintained that Rowe is an experienced and sophisticated investor who has owned over-the-counter and small-cap securities. Respondents asserted that all trades in Claimant's account were made with the Claimant's prior knowledge and consent, and at Claimant's specific request. As a result of the above, the Respondents contended that they should not be held liable in this matter.

RELIEF REQUESTED

Claimant, Steve Rowe, requested compensation of his original investment of \$4,650.00, plus \$300.00 representing the installments paid on his cash advance.

Respondents, Keith Menendez and John Angelo, requested that the Statement of Claim be dismissed with prejudice, and that they be awarded their expenses, costs, attorney's fees, and such other relief deemed just and proper.

AWARD

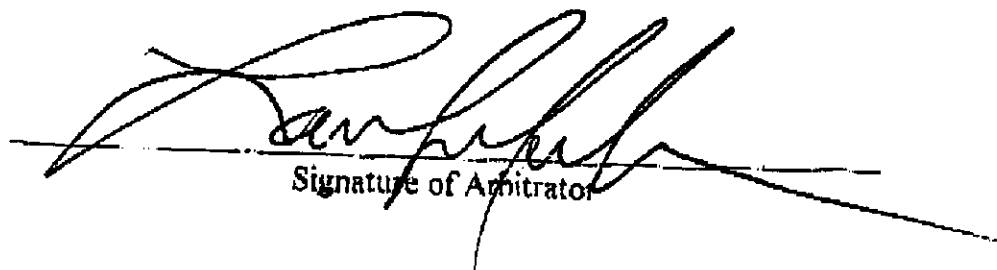
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single public Arbitrator, Laurence S. Kahn, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on January 3, 1995 and by the Respondents on February 3, 1995.

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 Statement of Claim filed by Claimant, Steve Rowe, is denied and dismissed in its entirety.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. ("NASD") by the Claimant shall be retained by the NASD, Inc. Respondents, Keith Menendez and John Angelo, are hereby jointly and severally liable for and shall pay to Claimant, Steve Rowe, \$75.00 as reimbursement of one-half of the filing fee.

AFFIRMATION

I, **LAURENCE S. KAHN, ESQ.**, 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: *August 30, 1995*