

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Corporate Securities Group, Inc.

95-00563

Name of Respondent

Robert Tucker

REPRESENTATION

For Claimant, Corporate Securities Group, Inc. (CSG): Gregory Tendrich, Esq. of Corporate Securities Group, Inc., Boca Raton, Florida.

For Respondent, Robert Tucker ("Tucker"): Michael R. Casey, Esq. of Casey and Molchan, Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed: 1/31/95.

Claimant's Submission Agreement/Corporate Acknowledgment signed on: 1/31/95 by Gregory Tendrich Esq. on behalf of the firm.

Statement of Answer and Counterclaim filed by Respondent on: 6/23/95.

Respondent's Submission Agreement signed on 6/23/95.

HEARING INFORMATION

Hearing Date/Sessions: 9/20/96-two (2) sessions.

Hearing Location: Fort Lauderdale, Florida.

CASE SUMMARY

Claimant alleged that its basis for an Award in its favor in this case is a Promissory Note

executed by Tucker on April 1, 1994, in which he agreed to repay all sums due under the Note in the event that Tucker terminated his relationship with the Claimant or "was terminated for cause" by the Claimant; that Tucker was terminated for cause by the Claimant on October 7, 1995 after failing to attend three mandatory firm meetings and leaving a firm due diligence meeting early.

Respondent, Tucker, contended that he was terminated without cause during the term of his Employment Agreement and that consequently, he was not obligated to repay the balance of the signing bonus that was embodied in the Promissory Note attached to the Employment Agreement; that because he (Tucker) was terminated without cause, he was still owed all of the commissions which had been withheld by CSG and wrongfully applied to the Note, which commissions were in the approximate amount of \$7,000.00; that Tucker was still owed a contest bonus for an office contest involving account openings, which contest bonus was in the amount of \$5,000.00. Respondent further contended that he was owed interest at the legal rate on those sums from October 8, 1994 and that he was entitled to an award of attorneys' fees under Section 448.08 of the Florida Statutes, which attorneys fees were in the amount of \$5,925.00

RELIEF REQUESTED

Claimant requested compensatory damages of \$5,561.68, attorneys' fees of \$834.25 and costs of \$1,300.00.

Respondent requested relief on his Counterclaim as follows: Commissions of \$7,000.00; contest bonus in the amount of \$5,000.00 and attorneys' fees of \$5,925.00.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that a handwritten, signed Award may be entered. In this case, the parties have agreed to receive a conformed copy of the Award while the original remains on file with the NASD.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing and post hearing submissions (if any), the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent, Tucker, is found liable and shall pay to the Claimant, CSG, the amount of \$5,561.68 plus interest at the legal rate of 8% per annum from the date of this Award.
2. Claimant/Counter Respondent, CSG, is found not liable and, therefore, all claims against it are hereby dismissed.
3. Claimant's requests for attorneys' fees and costs are hereby denied.
4. Respondent's requests for attorneys' fees, costs and interest are hereby denied.
5. All other claims are denied.

OTHER COSTS

Apart from the Forum Fees addressed below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

FORUM FEES

Pursuant to Section 10205(c) (Formerly Section 44(c)) of the Code of Arbitration Procedure, the Arbitrator has assessed Forum Fees in the amount of \$600.00 (two (2) hearing sessions X \$300.00).

1. Claimant, CSG, is hereby assessed Forum Fees in the amount of \$300.00 for which the NASDR shall retain the \$275.00 previously deposited by Claimant in partial satisfaction thereof, leaving a balance due to the NASDR by Claimant, of \$25.00.
2. Respondent, Tucker, is hereby assessed Forum Fees in the amount of \$300.00, for which the NASDR shall retain the \$300.00 previously deposited by Tucker in full satisfaction thereof.
3. The NASDR shall retain the \$500.00 non-refundable filing fee previously paid by Claimant, CSG and Respondent/Counter Claimant, Tucker.
4. Claimant, CSG, shall pay to the NASD the \$100.00 non-refundable member surcharge due and payable to the NASDR.

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

ARBITRATOR

Arbitrator's Signature

/s/

David A. Weintraub, Esq.
(Sole Industry Arbitrator)

Date of Decision: December 23, 1996