

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

John A. Giordano

95-01159

Name of Respondents

Raymond S. Rosso
Rickel & Associates, Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on March 6, 1995, Claimant John A. Giordano ("Claimant"), who appeared Pro Se, alleged that Respondent Raymond S. Rosso ("Rosso"), who worked for South Richmond Securities ("SRS"), called him and recommended that he purchase shares of International Business Schools ("IBS"), and Warrants in both Leak-X Environmental ("LX") and Diplomat which he did to his detriment. Claimant further alleged that Rosso failed to provide him with vital information regarding these securities. Claimant contended that South Richmond Securities was taken over by Respondent Rickel & Associates, Inc. ("RAI"), and as a result, RAI is responsible for Rosso's activities while at SRS. Claimant further contended that Rosso did not disclose that SRS was a market maker in the securities, and that as a result of the above, he has suffered a loss for which the Respondents should be held liable.

Respondent Rickel & Associates, Inc., through its representative and Director of Compliance, Vincent P. Sarnatora, maintained that the events cited in the Statement of Claim took place during October of 1993, through September of 1994. Respondent further maintained that RAI purchased the assets but not the liabilities of SRS in December of 1994. Respondent contended that it never employed Respondent Rosso. Respondent further contended that it should be removed from the case, and that as a result of the above, it should not be held liable.

Respondent Raymond S. Rosso, did not file an Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant John A. Giordano, requested \$4,783.50 in actual damages.

Respondent Rickel & Associates, Inc., requested that the claims of the Claimant be dismissed.

Respondent Raymond S. Rosso, did not file an Answer to the Statement of Claim.

OTHER ISSUES CONSIDERED AND DECIDED

In accordance with Section 13 of the NASD Code of Arbitration Procedure, the Respondent Raymond S. Rosso, was served the Statement of Claim and given an opportunity to respond. Pursuant to written instructions given by Rosso, the Statement of Claim and notice of the identity of the arbitrator were sent by certified mail. Service was effected as evidenced by the signed return card on file at the NASD.

Pursuant to the By-laws of the NASD, the Arbitrator determined that Respondent Raymond S. Rosso, had notice of the claim, and was required to submit to this arbitration proceeding; and is, therefore, bound by the arbitrator's ruling and determination.

AWARD

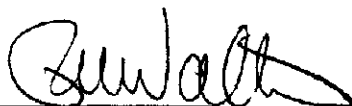
Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Richard W. Vallario, Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant John A. Giordano, on March 2, 1995, but not by Respondent Rickel & Associates, Inc., nor by Respondent Raymond S. Rosso, as required by Sections 12 and 13 of the NASD Code of Arbitration Procedure.

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 John A. Giordano, against Respondent Rickel & Associates, Inc., are dismissed in their entirety.
2. The Respondent Raymond S. Rosso, is liable and shall pay to the Claimant John A. Giordano, \$4,375.50 in actual damages.
3. The Respondent Raymond S. Rosso, is liable and shall pay to the Claimant John A. Giordano, interest at the rate of 6% from the date of the Award to the date of payment of the Award.
4. The parties shall bear their respective costs.
5. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant John A. Giordano, shall be retained by the NASD, Inc.

AFFIRMATION

I, **RICHARD W. VALLARIO, ESQ.**, do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.

A handwritten signature in cursive script, appearing to read "R. Vallario", is written over a horizontal line.

Richard W. Vallario, Esq.

DATE OF DECISION: November 7, 1995