

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Eunice E. Moore

95-01174

Name of Respondents

Richard C. Schwab
Raymond Dillon

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on March 6, 1995, Claimant Eunice E. Moore, who appeared Pro Se, alleged that Respondents Richard C. Schwab ("Schwab") and Raymond Dillon ("Dillon"), are doing business as California One Investments ("COI") and have not paid her a pay check for the last month she was employed by COI. Claimant further alleged that a contract with the Respondents establishes her right to payment for the commissions she earned from sales while with COI. Claimant contended that her commissions were paid to the Respondents and that as a result of the above, she has suffered losses for which the Respondents should be held liable.

Respondents Richard C. Schwab and Raymond Dillon, who appeared Pro Se, maintained that Claimant's contract is with COI a duly organized and recognized California Corporation and not with them. Respondents further maintained the COI is responsible for her commissions and the contract clearly indicates this point. Respondents contended that the commissions for Franklin Valuemark II were never received by them and that as a result of the above, they should not be held liable.

RELIEF REQUESTED

Claimant Eunice E. Moore, requested \$1,666.12 in actual damages.

Respondents Richard C. Schwab and Raymond Dillon, requested that the claims of the Claimant be dismissed.

AWARD

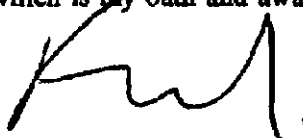
Pursuant to Section 10 of the NASD, Inc. Code of Arbitration Procedure, a single Industry Arbitrator, Frank Weaver, was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant Eunice E. Moore, on March 1, 1995, and by the Respondents Richard C. Schwab and Raymond Dillon, May 12, 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 claims of the Claimant Eunice E. Moore against Respondents Richard C. Schwab and Raymond Dillon, are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. All other relief requests are denied.
4. The Claimant Eunice E. Moore, is liable and shall pay to the National Association of Securities Dealers, Inc. \$575.00 for the required filing fees, pursuant to Section 44 of the NASD Code of Arbitration Procedure.

AFFIRMATION

I, **FRANK WEAVER**, 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.



Frank Weaver

DATE OF DECISION: October 6, 1995