

DA

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant

Michael Klinger

NASD Arbitration
No.95-01181

Name of Respondent

National Discount Brokers, Inc.

REPRESENTATION

For Claimant: Carl Carlson, Esq., Cutler & Nylander, Seattle, Washington

For Respondent: Michelle, Fisher, Esq., National Discount Brokers, New York, New York

CASE INFORMATION

Statement of Claim filed: March 7, 1995

Claimant's Submission Agreement signed: March 2, 1995

Statement of Answer filed by Respondent: April 12, 1995

Amendment to Statment of Answer filed by Respondent: April 19, 1995

Respondent's Submission Agreement signed: May 9, 1995

HEARING INFORMATION

A pre-hearing telephone conference lasting one session was held on February 6, 1996.

The evidentiary hearing was held in Seattle, WA, on February 7, 1996, and lasted one session.

CASE SUMMARY

Claimant alleged misrepresentation, excessive commissions, and violation of the Washington State Securities Act and the Washington State Consumer Protection Act in connection with investments in the common stock of International En-R Tech.

Respondent denied the allegations of wrongdoing, and asserted Claimant was informed of commissions prior to investment.

RELIEF REQUESTED

Claimant requested damages of \$2,528.15 as the cost of replacing 8,900 shares of INHKF, unspecified damages for the sale of 9,900 shares of INHKF at an unfairly low price and unilaterally seizing the proceeds of sale, additional damages of \$228 for an improper commission, treble damages under Washington's Consumer Protection Act, costs of arbitration and attorney's fees pursuant to RCW 19.86.090, the Unfair Business Act.

Respondent requested dismissal of all claims, and an award of costs and attorney's fees incurred in defending the matter.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in either 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 the post-hearing submissions, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay to Claimant the sum of \$3,162.07 inclusive of interest through date of award.
2. Respondent is liable for and shall pay Claimant's attorney's fees of \$4,046.72 pursuant to RCW 19.86.090.
3. The claim for treble damages under the Washington Consumer Protection Act is dismissed.
4. Respondent's claim for costs is dismissed.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall retain Claimant's \$50 non-refundable filing fee and the \$100 hearing session deposit will be retained as an assessment of forum fees. Respondent shall also reimburse Claimant for the \$100 hearing session deposit.



Frederic E. Dorkin
Public Arbitrator

Dated: March 19, 1996

Date Served: 3/20/96