

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Randall Moore

95-01531

Name of Respondent(s)

M. Rimson & Co., Inc.
Glenn Bennett

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on March 27, 1995, Claimant Randall Moore, through his counsel, John E. Lawlor, Esq., Garden City, NY, alleged that Respondent M. Rimson & Co., Inc., through its registered representative, Respondent Glenn Bennett made unauthorized trades in his account including purchases of Starcom Entertainment International and failed to follow his instructions to cancel the trade when he discovered the purchase. The Claimant further alleged that the Respondents did not send him confirmations or statements with regard to his account, but rather Respondent Bennett directed that all confirmations, monthly account statements and other information be sent to Respondent Bennett's home. The Claimant contended that due to the wrongdoing of the Respondents, he has suffered damages for which the Respondents should be held liable.

Respondent M. Rimson & Co., Inc. failed to file an Answer to the Statement of Claim.

Respondent Glenn Bennett failed to file an Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant Randall Moore requested \$7,210.00 in actual damages, plus interest costs and attorneys' fees.

Respondents M. Rimson & Co., Inc. and Glenn Bennett failed to file Answers to the Statement of Claim.

OTHER ISSUES CONSIDERED AND DECIDED

In accordance with Section 13 of the NASD Code of Arbitration Procedure, Respondents M. Rimson & Co. Inc. and Glenn Bennett were served by regular mail and given an opportunity to respond, which they failed to do. In addition, certified mail service of the notification of the Arbitrator's identity and overdue answer were effected upon M. Rimson & Co. as evidenced by the return receipt card on file at the NASD.

Pursuant to the By-laws of the NASD, the Arbitrator determined that Respondents M. Rimson & Co., Inc. and Glenn Bennett had notice of the claim, and were required to submit to this arbitration proceeding; and are, 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, Julian D. Jensen, Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on 11/28/94, but not by the Respondents, M. Rimson & Co., Inc. and Glenn Bennett, 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. Respondents M. Rimson & Co., Inc. and Glenn Bennett are jointly and severally liable and shall pay to Claimant Randall Moore \$7,210.00 in actual damages.
2. Respondents M. Rimson & Co., Inc. and Glenn Bennett are jointly and severally liable and shall pay to Claimant Randall Moore simple interest at the rate of 12% per annum from March 8, 1994 to the date of payment of the Award.
3. Respondents M. Rimson & Co., Inc. and Glenn Bennett are jointly and severally liable and shall pay to Claimant Randall Moore \$1,394.00 in attorneys' fees, pursuant to UCA, Section 61-1-22(1)(a.)
4. The parties shall bear their respective costs.
5. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondents M. Rimson & Co., Inc. and Glenn Bennett are jointly severally liable and shall pay to the Claimant \$150.00 as reimbursement of the filing fee.

AFFIRMATION

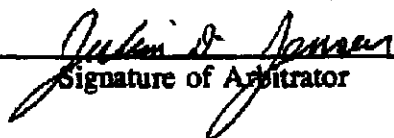
STATE OF UTAH

}
}

SS:

COUNTY OF SALT LAKE

I, JULIAN D. JENSEN, 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.



Signature of Arbitrator

DATE OF DECISION: January 12, 1996