

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Richard V. Nguyen

95-03801

Name of Respondent

Providential Securities, Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 7, 1995, Claimant Richard V. Nguyen ("Claimant"), who appeared Pro Se, alleged that Respondent Providential Securities, Inc. ("Respondent"), withheld commission owed him for the months of May and June of 1995. Claimant further alleged that Respondent's employee Henry D. Fahman ("Fahman") improperly reassigned two of his accounts causing him further losses. Claimant contended that he notified the Respondent that he would be leaving the firm in August of 1995 and that on June 21, Respondent notified him that his last day would be July 21. Claimant further contended he received only a partial payment of the total commissions he earned and that as a result of the above, he has suffered a loss for which the Respondent should be held liable.

Respondent Providential Securities, Inc., through its representative and President, Henry D. Fahman, maintained that the Claimant had agreed to withhold a portion of his commission until certain controversies in a number of his accounts were resolved. Respondent further maintained that Claimant overstated the amount of the commissions earned. Respondent contended that the accounts which were reassigned to Fahman were done pursuant to the customer's request. Respondent further contended that Claimant had an independent contractor agreement with it and in accord with the agreement Claimant was terminated with 30 days notice. Respondent maintained that Claimant was engaged in unauthorized trading and that he was terminated and commissions were withheld to compensate customers for any losses which were incurred due to losses resulting from the unauthorized trades. Respondent further maintained that as a result of the above, it should not be held liable.

RELIEF REQUESTED

Claimant Richard V. Nguyen, requested \$9,899.05 in actual damages.

Respondent Providential Securities, Inc., requested that the claims of the Claimant be dismissed.

AWARD

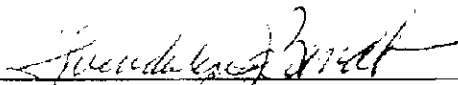
Pursuant to Section 10 of the NASD, Inc. Code of Arbitration Procedure, a single Industry Arbitrator, Gwendolyn J. Bandt, was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on July 24, 1995, and by the Respondent Providential Securities, Inc., on October 10, 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 Richard V. Nguyen, against Respondent Providential Securities, Inc., are denied in their entirety.
2. The parties shall bear their respective costs.
3. The \$575.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Richard V. Nguyen, shall be retained by the NASD, Inc.

AFFIRMATION

I, **GWENDOLYN J. BANDT**, 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.



Gwendolyn J. Bandt

DATE OF DECISION: March 19, 1996