

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

GKN Securities Corp.

96-00074

Name of Respondent

Robert Wenger

CASE SUMMARY

In a claim filed with the National Association of Securities Dealer, Inc. on January 5, 1996, Claimant GKN Securities Corp. ("GKN"), through its representative and in-house counsel, Katherine Nathan, Esq., alleged that upon termination of his employment agreement, Respondent Robert Wenger ("Respondent") breached an agreement and failed to repay a debt owed to GKN. GKN further alleged that on or about December 5, 1995, Respondent signed a Association Agreement whereby he agreed to repay GKN for certain expenses and to indemnify GKN for unsecured customer debits. GKN also alleged that expenses and/or unsecured customer debits covered by the Association Agreement resulted in a debit of \$271.81. GKN contended that on or about December 5, 1995, Respondent signed an Increase Payout Agreement whereby he agreed to pay the difference between the payments made to him and the standard payout grid in effect at that time which had to be repaid to GKN should Respondent's employment terminate prior to December 5, 1996. GKN further contended that the excess paid to Respondent over the standard payout grid amounted to \$4,012.15. GKN also contended that respondent's employment terminated on or about May 8, 1995 and that despite its demand for payment, Respondent has failed to repay the full amount owed to GKN, and should be held liable.

Respondent Robert Wenger failed to file an Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant GKN Securities Corp., requested \$4,283.96 in actual damages, plus interest, costs and attorneys' fees.

Respondent Robert Wenger failed to file an Answer to the Statement of Claim.

OTHER ISSUES CONSIDERED & DECIDED

In accordance with Section 10 of the NASD Code of Arbitration Procedure, the Respondent Robert Wenger was served the Statement of Claim by regular mail and given an opportunity to respond which he failed to do.

Pursuant to the By-laws of the NASD, the Arbitrator determined that Respondent Robert Wenger 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

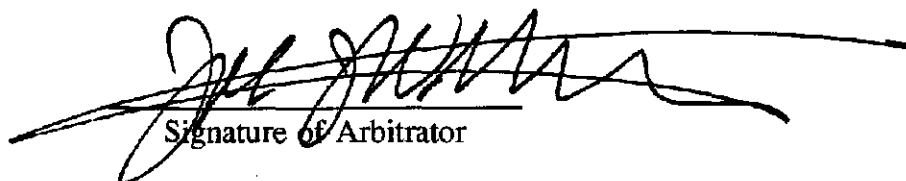
Pursuant to Section 10 of the NASD, Inc. Code of Arbitration Procedure, a single Industry Arbitrator, John J. Witkowski, Jr., was selected to review the matter in controversy between the parties set forth in the submissions to Arbitration signed by the claimant GKN Securities Corp. on December 8, 1995, but not by Respondent Robert Wenger, as required by Sections 8 and 10 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 GKN Securities Corp., against the Respondent Robert Wenger are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. All other relief requests are denied.
4. The \$575.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the claimant GKN Securities Corp. shall be retained by the NASD, Inc.

AFFIRMATION

I, JOHN J. WITKOWSKI, JR., ESQ., do hereby affirm upon my oath as a arbitrator that I am the individual described herein, and who executed this instrument which is my award.



Signature of Arbitrator

DATE OF DECISION:

July 16, 1996