

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant

Comprehensive Capital Corp

96-00164

Name of Respondent

Robert Blair Keon, Jr.

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**REPRESENTATION**

For claimant Comprehensive Capital Corporation ("claimant") appeared Steven Kovorkian, CFO of Comprehensive Capital Corporation.

Respondent Robert Blair Keon, Jr. ("respondent") did not enter an appearance in this matter.

**CASE INFORMATION**

Statement of Claim filed was filed on January 4, 1996. Claimant's Submission Agreement was signed on January 5, 1996.

Respondent did not file a Statement of Answer or a Submission Agreement.

**HEARING INFORMATION**

Hearing Date/Sessions: September 3, 1996 - One Session

The hearing was held at the offices of the National Association of Securities Dealers, Inc. located in New York, New York.

**CASE SUMMARY**

Claimant alleged that, on March 6, 1995, respondent became associated with Comprehensive as an account executive. Claimant further alleged that, on March 20, 1995, respondent entered into an employment agreement whereby Comprehensive agree to lend respondent \$20,00.00 with no interest and respondent signed a non-negotiable promissory note.

Claimant alleged that, on April 27, 1995, it received a call from Continental Broker Dealer Corp. stating that they were re-hiring respondent. Claimant further alleged that, in an attempt to settle the debt, respondent issued a Settlement Agreement outlining a payment plan and that, on July 13, 1995, a check in the amount of \$2,158.33 was received from respondent representing \$2,000.00 against the note and \$158.33 in interest. Claimant asserted that it received no further payments on the note.

### **RELIEF REQUESTED**

Claimant requested an award of the unpaid balance of \$18,000.00, interest at 10% per annum and costs.

### **OTHER ISSUES CONSIDERED & DECIDED**

The arbitrator made the following rulings concerning respondent Keon who did not file a Statement of Answer or a Submission Agreement and who also failed to appear at the hearing conducted in this matter without obtaining any postponement/adjournment thereof:

1. Pursuant to Section 1 of the Code of Arbitration Procedure (the "Code"), the arbitrator found subject matter jurisdiction over this entire controversy.
2. The arbitrator found that respondent was a person associated with a member of the NASD at the time this controversy arose. Consequently, the arbitrator found personal jurisdiction over respondent pursuant to Section 12 of the Code.
3. In view of (2) above, the arbitrator found that respondent was required to file with the NASD a Statement of Answer and a properly executed Submission Agreement pursuant to Section 25(b) of the Code. In this regard, the arbitrator found that the Statement of Claim was properly served upon respondent, pursuant to Section 25(a) of the Code.
4. In addition, in accordance with Sections 21, 26 and 29 of the Code, the arbitrator found that the NASD provided respondent with "due notice" of the hearing conducted in this matter by regular and certified mail. The arbitrator, therefore, determined to proceed with the hearing without respondent, whose absence was unexcused.

### **AWARD**

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent be and hereby is liable for and shall pay to claimant the sum of \$18,000.00, plus interest of 10% per annum from August 28, 1995 until payment.

2. Each party shall bear their respective costs, except that respondent is liable for and shall pay to claimant the sum of \$300.00 to reimburse claimant for the hearing session deposit paid to the NASD.
3. All other claims are denied.

### FORUM FEES

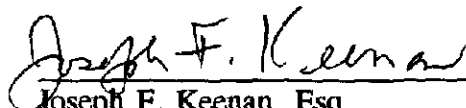
The arbitrator has determined that the NASD shall retain the \$500.00 non-refundable filing fee submitted by claimant and has assessed the following forum fees:

1 hearing session x \$300.00 = \$300.00

Respondent is liable for the sum of \$300.00, representing the total amount of forum fees assessed.

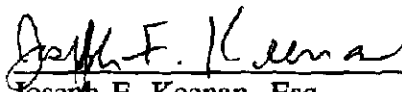
Fees are payable to the National Association of Securities Dealers, Inc.

Arbitrator's Signature

  
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Joseph F. Keenan, Esq.  
Industry Arbitrator

Date of decision: September 20, 1996

I, Joseph Keenan, Esq., do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

  
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Joseph F. Keenan, Esq.