

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Orville Ott

96-02595

Name of Respondent

\$Monitor Investment Group, Inc.

CASE SUMMARY

In a case filed with the National Association of Securities Dealers Regulation, Inc. on June 17, 1996, claimant Orville Ott ("claimant") who appeared Pro Se, alleged that respondent Monitor Investment Group, Inc. ("MIG") allowed an authorized transaction to take place in his account. Claimant further alleged that on January 26, 1996, 1500 shares of A.S.I.L.U and 1000 share;; of T.C.N.O.F. were bought and sold without his authorization or knowledge. Claimant also alleged that his two brokers at MIG Robert Grant ("Grant") and Edward Reilly ("Reilly") were not involved with the transactions. Claimant asserted that both brokers left the firm and hi;; account was transferred to another registered representative at MIG without his knowledge or approval.

Respondent Monitor Investment Group, Inc. did not file a Statement of Answer.

RELIEF REQUESTED

Claimant Orville Ott requested \$7,951.75 in actual damages.

Respondent Monitor Investment Group, Inc. did not file a Statement of Answer.

OTHER ISSUES CONSIDERED & DECIDED

Respondent Monitor Investment Group, Inc. through its representative William Palla, requested an extension of time to file a Statement of Answer. The arbitrator granted the request ordering that a Statement of Answer was to be filed on or before October 10, 1996. No Statement of Answer was subsequently received.

Pursuant to Section 10302 of the Code of Arbitration Procedure, the respondent Monitor Investment Group, Inc. was served by regular mail and given an opportunity to respond, which it failed to do. In addition, service of the overdue notice and notification of the Arbitrator's identity was effected upon respondent, as evidenced by the signed signature cards on file at the NASD Regulation, Inc.

Pursuant to the By-laws of the NASD Regulation, Inc., the arbitrator determined that respondent Monitor Investment Group, Inc. 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 10302 of the Code of Arbitration Procedure, a single Public Arbitrator, Bradley S. Bailey, Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by claimant Orville Ott on June 11, 1996, and not by respondent Monitor Investment Group, Inc. as required by Sections 10301 and 10302 of the 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. Respondent Monitor Investment Group, Inc. be and hereby is liable and shall pay claimant Orville Ott the sum of \$7,951.75.
2. All other relief requests are denied.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by claimant shall be retained by the NASD Regulation, Inc. Respondent Monitor Investment Group, Inc. be and hereby is liable and shall pay claimant Orville Ott the sum of \$150.00 as reimbursement of the filing fee.

AFFIRMATION

I, Bradley S. Bailey, Esq., 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.



Bradley S. Bailey, Esq.

Date of Decision: December 6, 1996