

N.A.S.D. REGULATION AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

R. J. Steichen & Company

96-03407

Name of Respondent

Kelly Neilsen

CASE SUMMARY

In a case filed with National Association of Securities Dealers Regulation, Inc. on August 8, 1996, claimant R.J. Steichen & Company ("R.J. Steichen") through its representative and in-house counsel Ann Exline Starr, alleged that respondent Kelly Neilsen ("Neilsen") failed to repay his debt. Claimant further alleged that Neilsen started working for them on or about March 29, 1994. Claimant also alleged that Neilsen executed an agreement ("agreement"), which contained terms that upon his registration and licensure, he would be paid \$10,000.00 as an advance against commissions. Claimant asserted that the agreement required that the \$10,000.00 be repaid by applying 10% of Neilsen's monthly gross commissions, until the obligation was repaid in full. Claimant further asserted that Neilsen resigned from R.J. Steichen on June 8, 1995, prior to the repayment of his obligation on the agreement.

Respondent Kelly Neilsen did not file an Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant R.J. Steichen requested: (1) \$4,636.09, representing the remaining amount due on his obligation; (2) interest at the legal rate of 6% from June 8, 1995; (3) the filing fees; and (4) costs, disbursements and attorneys' fees and any other relief the arbitrator deems just and proper.

Respondent Kelly Neilsen did not file an Answer to the Statement of Claim.

OTHER ISSUES CONSIDERED & DECIDED

In accordance with Rules 10203 of the Code of Arbitration Procedure, respondent Kelly Neilsen, was served by regular mail and given an opportunity to respond, which he failed to do. In addition, notice of overdue answer and notification of the Arbitrator's identity was effected upon respondent Kelly Neilsen by certified mail, as evidenced by the signed signature card on file at NASD Regulation, Inc.

Pursuant to the By-laws of the NASD Regulation, Inc., the arbitrator determined that respondent Kelly Neilsen 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

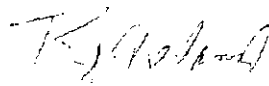
Pursuant to Rule 10203 of the Code of Arbitration Procedure, a single Industry Arbitrator Bruce Nerland, Esq., was selected to review the matter in controversy between the parties set forth in Submissions to Arbitration signed by claimant R.J. Steichen on August 26, 1996. Respondent Kelly Neilsen did not execute a Submission Agreement as required by Rules 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 for determination follows:

1. Respondent Kelly Neilsen be and hereby is liable and shall pay claimant the sum of \$4,636.09.
2. Respondent Kelly Neilsen be and hereby is liable and shall pay claimant an interest rate of 6% per annum from June 8, 1995 to date of award.
3. All other relief requests are denied.
4. The \$575.00 filing fee previously deposited by claimant shall be retained by NASD Regulation, Inc. Respondent Kelly Neilsen be and hereby is liable and shall pay claimant the sum of \$300.00 as reimbursement of part of the filing fee.

AFFIRMATION

I, **Bruce Nerland, Esq.**, do hereby affirm upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



Bruce J. Nerland, Esq.

Date of Decision: April 30, 1997