

1108087

NASD REGULATION STIPULATED AWARD

In the Matter of the Arbitration Between

Name of Claimant

J.W. Charles Securities, Inc.

96-03528

Name of Respondent

Frank Terzo

**REPRESENTATION**

For Claimant J.W. Charles Securities, Inc. ("claimant"), appeared Charles Scarlett, Esq., in-house counsel for claimant.

For Respondent Frank Terzo ("respondent"), appeared Dominick J. Porto, Esq., with law offices located in New York City, New York.

**CASE INFORMATION**

Statement of Claim was filed on: August 15, 1996

Claimant's Submission Agreement was signed on: August 13, 1996

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

**HEARING INFORMATION**

Hearing Date/Session: May 23, 1996 - One Session

The hearing was conducted at the offices of NASD Regulation, Inc., located in New York, New York.

**OTHER ISSUES CONSIDERED & DECIDED**

At the hearing on May 23, 1996 respondent and his counsel participated via telephone.

The parties have agreed that the stipulated award in this matter may be executed in counterpart copies or that a handwritten, signed award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the originals remain on

file with NASD Regulation, Inc.

The panel made the following determinations concerning respondent, who did not file a Statement of Answer and a Submission Agreement:

1. Pursuant to Rule 10101 of the Code of Arbitration Procedure (the "Code"), the panel found subject matter over this entire controversy.
2. The panel found that respondent was a person associated with a member of the NASD at the time this controversy arose. Accordingly, the panel found personal jurisdiction over respondent pursuant to Rule 10201 of the Code.
3. The panel found that respondent was required to file a Statement of Answer and a Submission Agreement with NASD Regulation pursuant to Rule 10314(b) of the Code. In this regard, the panel found that the Statement of Claim was properly served upon respondent pursuant to Rule 10314(a) of the Code.

#### AWARD

At the hearing on May 23, 1996, the parties to this action settled the claims against respondent. The parties agreed to submit a stipulation agreement which they requested the panel of arbitrators to incorporate in a stipulated award.

Accordingly, the panel agreed to the following settlement in full and final resolution of the issues submitted for determination as follows:

1. Respondent be and hereby is liable and shall pay claimant the sum of **FORTY THOUSAND DOLLARS (\$40,000.00)**.
  - a. Payment shall be made at the rate of \$1,500.00 per month for the next six months, commencing June 1, 1997; and the balance, to wit: \$31,000.00 in one payment in December, 1997, prior to year's end in order that claimant may close out its accounting for the year end.
2. Respondent be and hereby is liable and shall pay claimant the sum of \$600.00 to reimburse claimant for a portion of the fees previously paid to NASD Regulation.

#### FORUM FEES

Pursuant to Rule 10205(c) of the Code of Arbitration Procedure, the arbitrators have determined that NASD Regulation, Inc. shall retain the \$500.00 non-refundable filing fee and the \$200.00 member surcharge previously deposited by the Claimant and have assessed the following forum fees:


9/10/00

1 session x \$600.00 = \$600.00

Respondent be and hereby is liable for the sum of \$600.00, representing the total amount of forum fees assessed. Respondent shall pay this amount to claimant as provided in the "Award" section above.

7/10/97

Arbitrators' Signatures


  
\_\_\_\_\_  
Joan Caridi, Esq.  
Chairperson-Industry Arbitrator

\_\_\_\_\_  
Judith C. Zerden, Esq.  
Industry Arbitrator

\_\_\_\_\_  
Alvin Gallant  
Industry Arbitrator

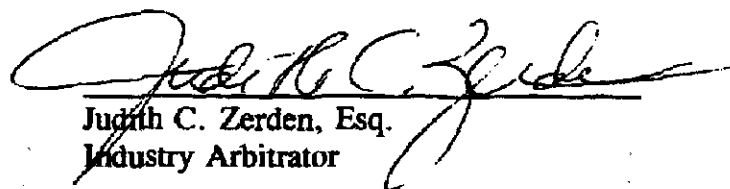
Date of Decision: August 13, 1997

I, Joan Caridi, Esq., do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rles, that I am the individual described herein, and who executed this instrument which is my Award.

  
\_\_\_\_\_  
Joan Caridi, Esq.

Arbitrators' Signatures

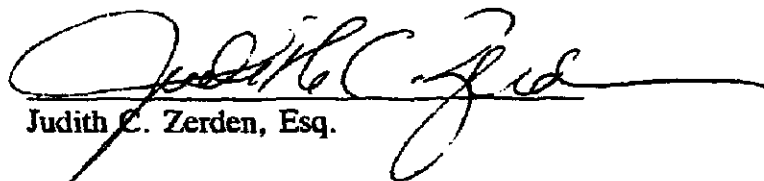
\_\_\_\_\_  
Joan Caridi, Esq.  
Chairperson-Industry Arbitrator

  
\_\_\_\_\_  
Judith C. Zerden, Esq.  
Industry Arbitrator

\_\_\_\_\_  
Alvin Gallant  
Industry Arbitrator

Date of Decision: August 13, 1997

I, **Judith C. Zerden, 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.

  
\_\_\_\_\_  
Judith C. Zerden, Esq.

Arbitrators' Signatures

\_\_\_\_\_  
Joan Caridi, Esq.  
Chairperson-Industry Arbitrator

\_\_\_\_\_  
Judith C. Zerden, Esq.  
Industry Arbitrator

Alvin Gallant  
Alvin Gallant  
Industry Arbitrator

Date of Decision: August 13, 1997

I, Alvin Gallant, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the person described herein, and who executed this instrument which is my Award.

Alvin Gallant  
Alvin Gallant  
Industry Arbitrator