

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Steve Tirrell

96-03547

Name of Respondents

Damiano Coraci
Global Equities Group, Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 16, 1996, claimant Steve Tirrell ("claimant"), who appeared Pro Se, alleged that in July 1996, Richard Sharkey ("Sharkey") of respondent Global Equities Group, Inc. ("Global Equities"), solicited participation in the Initial Public Offering ("IPO") Cluckcorp International, Inc. ("Cluckcorp"). Claimant further alleged that on July 9, 1996, he was notified of his following IPO allocation totalling \$1,662.50: 300 shares Cluckcorp common stock and 100 Cluckcorp warrants. Claimant also alleged that he paid for the purchase on July 12, 1996 via Federal Express and that the payment was received by Global Equities on July 15, 1996.

Claimant asserted that on July 19, 1996 he tried to contact Sharkey since they had agreed to sell when the common stock reached \$8.00 per share. Claimant further asserted that he was informed that Sharkey was no longer with the firm and that his shares in the IPO had been canceled by respondent Damiano Coraci ("Coraci"), Office Manager at Global Equities. Claimant further asserted that he spoke with Coraci who promised to reallocate the shares, if possible. Claimant alleged that on July 22, 1996 Coraci informed him that the reallocation was not possible and that his check would be returned. Claimant further alleged that he suffered a loss as he was unable to complete the sale on July 19, 1996.

Respondent Global Equities Group, Inc., through its representative and President, Michael H. Christ, maintained that claimant's IPO allocation was sold since his broker Sharkey had left the firm and it had discovered that Sharkey sold IPOs to family members. Global Equities further maintained that it did not know whether or not claimant was a family member of Sharkey and sold his IPOs so as not to risk violation of the securities laws, which prohibited the sale of IPOs to family members. Global Equities contended that claimant's claim has no merit, that claimant has not suffered a loss and that claimant is looking for a profit without risks.

Respondent Damiano S. Coraci, who appeared Pro Se, maintained that claimant was never his client and first spoke to him when he called on July 19, 1996 to inquire about his account. Coraci further maintained that he informed claimant that his trades were canceled by the firm. Coraci also maintained that he was not claimant's broker, that claimant was not at risk anytime and that his money was returned with no actual loss.

RELIEF REQUESTED

Claimant Steve Tirrell requested \$1,012.50 in actual damages, plus \$200.00 for expenses.

Respondent Global Equities Group, Inc. requested that the claim be dismissed.

AWARD

Pursuant to Section 10302 of the NASD Code of Arbitration Procedure, a single Public Arbitrator, G. Gale Roberson, Jr., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the claimant Steve Tirrell on August 9, 1996 and by respondents Global Equities Group, Inc. and Damiano Coraci on September 26, 1996.

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. Respondents Global Equities Group, Inc. and Damiano Coraci are jointly and severally liable and shall pay to claimant Steve Tirrell \$1,212.50 in actual damages.
2. The parties shall bear their respective costs.
3. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the Claimant Steve Tirrell shall be retained by the NASD, Inc. Respondents Global Equities Group, Inc. and Damiano Coraci are jointly and severally liable and shall pay to the Claimant Steve Tirrell \$50.00 as reimbursement of the filing fee.
4. All other relief requests are denied.

AFFIRMATION

I, **G. GALE ROBERSON, JR.**, 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.

A handwritten signature in cursive script, appearing to read "G. Gale Roberson, Jr.", written over a horizontal line.

Signature of Arbitrator

DATE OF DECISION: February 11, 1997