

NASD REGULATION, INC.
AWARD

In the Matter of the Arbitration Between

Name of Claimant

Baruch Coleman

vs.

Case No.
96-03624

Name of Respondents

Brookstreet Securities Corporation
Stanley C. Brooks
Virginia M. Brooks

REPRESENTATION

Claimant Baruch Coleman ("Claimant") appeared pro se.

For Respondents Brookstreet Securities Corp. ("Brookstreet"), Stanley C. Brooks ("S. Brooks"), and Virginia M. Brooks ("V. Brooks") (collectively "Respondents"), appeared Tom Fehn, Esq. of the law offices Fields, Fehn & Sherwin located in Los Angeles, California.

CASE INFORMATION

Claimants' Statement of Claim was filed on August 20, 1996.
Claimants' Submission Agreement was signed on August 19, 1996.

A Joint Statement of Answer was filed by Respondents on October 3, 1996.
Brookstreet's Submission Agreement was signed on September 27, 1996.
S. Brooks' Submission Agreement was signed on September 27, 1996.
V. Brooks' Submission Agreement was signed on October 31, 1996.

HEARING INFORMATION

Pre-Hearing Conferences:	February 20, 1998	-	1 session
	February 26, 1998	-	1 session
	May 1, 1998	-	1 session

Hearing Dates/Sessions:	August 11, 1998	-	2 sessions
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The hearings were conducted at the offices of NASD Regulation, Inc. located in New York, New York.

CASE SUMMARY

Claimant alleged that, in 1991, Brookstreet hired him to establish and manage an office in New Jersey. Claimant contended that Brookstreet promised to register him with the NASD and the states of New York and New Jersey and that he relied upon Brookstreet to file registration forms and pay the appropriate fees. Claimant alleged that, unknown to him, Brookstreet was not registered in New Jersey. Claimant also alleged that, without his knowledge, S. Brooks and V. Brooks fraudulently altered his U-4 by "whiting out" the "X" in the box requesting New Jersey registration. Claimant also contended that, although respondents failed to submit his application for registration with New Jersey, Brookstreet billed him for New Jersey registration renewals.

Claimant contended that, on August 11, 1994, he was informed that Brookstreet had failed to register him in New Jersey. In addition, Claimant contended that Respondents presented him with a plan to terminate his employment with Brookstreet which included an offer to compensate him while Brookstreet quietly withdrew from registering him in the state of New Jersey. Claimant maintained that, after he rejected the plan, he negotiated an agreement with the respondents which they subsequently breached.

Respondents generally denied each and every allegation contained in the Statement of Claim.

RELIEF REQUESTED

Claimant requested actual damages in excess of \$100,000.00 plus interest and attorneys' fees. In addition, Claimant requested punitive damages and the assessment of forum fees against Respondents.

Respondents requested that the claim be denied in its entirety and that they be awarded their costs for defending this matter.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the 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.

AWARD

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

1. Respondents Brookstreet, S. Brooks, and V. Brooks be and hereby are jointly and severally liable for and shall pay to Claimant the sum of **TWENTY FIVE THOUSAND DOLLARS (\$25,000.00)**.
2. Claimant's requests for interest and attorneys' fees are hereby denied.

3. Respondents be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$750.00 to reimburse Claimant for the hearing session deposit previously paid to NASD Regulation, Inc.
4. All other requests are hereby denied.

OTHER COSTS

Pursuant to Rule 10333 of the NASD Code of Arbitration Procedure ("Code"), Brookstreet has paid to NASD Regulation, Inc. the \$350.00 member surcharge previously invoiced.

FORUM FEES

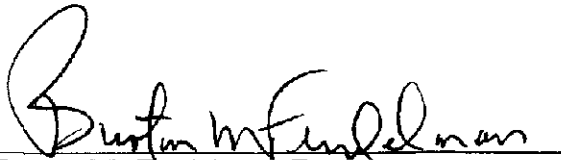
Pursuant to Rule 10205(c) of the Code, the arbitrators have determined that NASD Regulation, Inc. will retain the \$500.00 non-refundable filing fee submitted by Claimant and have assessed the following forum fees:

1 Pre-hearing conference	=	\$ 300.00
2 Pre-hearing conferences (with the full panel)	=	\$1,500.00
2 Hearing sessions x \$750.00	=	\$1,500.00

1. Respondents be and hereby are jointly and severally liable for the sum of \$3,300.00, representing the total amount of forum fees assessed. Claimant previously deposited \$750.00 with NASD Regulation, Inc. and, therefore, Respondents shall pay the balance of \$2,550.00 to NASD Regulation, Inc.
2. Respondents be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$750.00 as provided for in the "Award" section above.

ARBITRATION PANEL

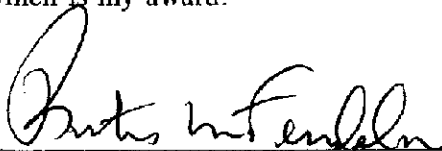
Burton M. Fendelman, Esq.	-	Industry Chairperson
Linda R. Blakely	-	Industry Panelist
Frank J. DeStefano	-	Industry Arbitrator



Burton M. Fendelman, Esq.
Chairperson-Industry Arbitrator

Date of Decision: October 6, 1998 _____

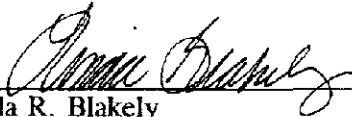
I, **Burton M. Fendelman, Esq.**, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



Burton M. Fendelman, Esq.

ARBITRATION PANEL

Burton M. Fendelman, Esq.	-	Industry Chairperson
Linda R. Blakely	-	Industry Panelist
Frank J. DeStefano	-	Industry Panelist



Linda R. Blakely
Industry Arbitrator

Date of Decision: October 6, 1998

I, **Linda R. Blakely**, 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.



Linda R. Blakely

ARBITRATION PANEL

Burton Fendelman, Esq.	-	Industry Chairperson
Linda R. Blakely	-	Industry Panelist
Frank J. DeStefano	-	Industry Panelist

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Frank J. DeStefano
Industry Arbitrator

Date of Decision: October 6, 1998

I, **Frank J. DeStefano**, 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.

Frank J. DeStefano

Frank J. DeStefano