

AWARD

NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION

In the matter of the Arbitration Between

Name of Claimant(s)

Heller Insurance Agency, Inc. Employee
Profit Sharing Plan

v.

Arbitration No.
96-04145

Name of Respondent(s)

Robert Tretiak

REPRESENTATION

For Claimant: Stanford J. Heller, Trustee, Las Vegas, Nevada.

For Respondent: Robert Tretiak, Las Vegas, Nevada.

CASE INFORMATION

Statement of Claim filed: September 16, 1996

Claimant's Submission Agreement signed: October 21, 1996

Statement of Answer and Motion to Dismiss filed: January 13, 1997

Respondent's Submission Agreement signed: January 8, 1997

HEARING INFORMATION

A pre-hearing telephone conference was held on March 5, 1997.

The evidentiary hearing was held in Las Vegas on July 1, 1997, and lasted 2 sessions.

CASE SUMMARY

Claimant alleged that Respondent reneged on a written agreement to reimburse a loss suffered on an investment in bonds purchased by Claimant in response to misrepresentations made by Respondent's former employee.

Respondent denied that he was a party to the sale of the bonds at issue.

RELIEF REQUESTED

Claimant requested damages of \$13,871.15.

Respondent requested dismissal of the claim.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed to receive conformed copies of the Award while the originals remain on file with NASDR.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing and post-hearing submissions, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims are dismissed in their entirety.
2. The parties shall bear their respective costs, including attorney's fees.

FORUM FEES

Pursuant to Section 10332 of the Code of Arbitration Procedure, the NASDR shall retain the \$100.00 non-refundable filing fee paid by claimant.

Total Forum fees of \$600.00 are to be split between the parties.


Claimant's one-half share	\$300.00
Credit for deposit	<u>(\$300.00)</u>
Balance Due:	\$ 0.00

Respondent's one-half share, payable
to NASDR, Inc.

\$300.00

Arbitrator's Signature:

Date signed:

_____

Douglas Edwards, Esq.
Presiding Chairperson
Public Arbitrator

7/29/97

Date served: 8/1/1997