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NASD REGULATION, INC. AWARD

Office of Dispute Resolution

In the Matter of the Arbitration Between

Name of Claimant

JW Charles Clearing Corp.

Name of Respondent

Vincent W. Butkevits, III

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DEC 12 1997

FL ADR 1000

96-04561

REPRESENTATION OF PARTIES

For Claimant JW Charles Clearing Corp. ("JWC"): Gregory Tendrich, Esq. of JW Charles Clearing Corp., Boca Raton, FL.

For Respondent Vincent W. Butkevits, III ("VB"): L. Van Stillman, Esq., Boca Raton, FL.

CASE INFORMATION

Statement of Claim was filed on October 10, 1996 and amended on December 6, 1996. Submission Agreement of Claimant was signed by Gregory Tendrich, Esq. on behalf of JW Charles Clearing Corp. on October 10, 1996.

Statement of Answer was filed by Respondent on December 12, 1996. Submission Agreement of Respondent was signed on December 13, 1996.

HEARING INFORMATION

A telephonic pre-hearing conference was held on March 11, 1997, with the Chairperson presiding.

The evidentiary hearing was held on November 21, 1997, in Fort Lauderdale, Florida for a total of two sessions.

CASE SUMMARY

Claimant alleged that it is seeking to recover from the Respondent trading losses generated by the Respondent in his capacity as a bond trader; that over the eight year employment relationship between the parties, the Claimant and Respondent split trading profits and losses; that in early April, 1996, Respondent resigned immediately after suffering his single worst trading month in eight years; and, that the Respondent, based on the parties' past conduct and intention, is indebted to the Claimant in the amount of \$21,649.09, which represents his portion of those losses.

Respondent denied the allegations set forth in the Statement of Claim. Respondent specifically stated that he did not have a contract with Claimant; that the parties did not agree that Respondent would be responsible for trading losses; that any trading losses were the result of actions or instructions given by the Claimant; and, that a correct accounting would demonstrate that gains offset any losses claimed.

RELIEF REQUESTED

Claimant requested an award in the amount of \$21,649.09 in compensatory damages, interest until the award is satisfied, attorney's fees, and costs including filing fees and the member surcharge.

Respondent requested a dismissal, attorney's fees, costs, and other relief.

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 original(s) remain on file with the NASD Regulation, Inc. Office of Dispute Resolution.

AWARD

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

1. Respondent is found liable and shall pay to Claimant the amount of \$2,916.68 exclusive of prejudgment interest which is not awarded.
2. Claimant's requests for interest until the award is satisfied, attorney's fees, and costs, including filing fees and the member surcharge, are denied.
3. Respondent's requests for attorney's fees, costs, and other relief are denied.

FORUM FEES

Pursuant to Rule 10205(b) of the NASD Code of Arbitration Procedure ("Code"), a hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with an arbitrator, which lasts four (4) hours or less.

Pursuant to Rule 10205(c) of the Code, the panel has assessed forum fees in the amount of \$900.00 (one prehearing conference: \$300.00 plus two hearing sessions: \$300.00 (one \$300.00 per session).

1. Claimant is assessed the sum of \$900.00 for which NASD Regulation, Inc. shall retain the \$800.00 previously deposited in partial satisfaction thereof, leaving a balance due to NASD Regulation, Inc. of \$100.00.

2. NASD Regulation, Inc. shall retain the claim filing fee of \$500.00 paid by the Claimant.

Fees are payable to NASD Regulation, Inc.

Concurring Arbitrator's Signature



Steven M. Greenbaum, Esq.
Industry Arbitrator, Presiding Chair

Date of Decision: 12-11-97