

AWARD

NASD Regulation, Inc. Office of Dispute Resolution

In the Matter of Arbitration Between

Alexis Pastuhov,

Claimant,

and

No. 96-04666

Meyers Pollock & Robbins, Inc.,

Respondent.

REPRESENTATION OF PARTIES

Claimant, Alexis Pastuhov ("Pastuhov"), was represented pro se.

Respondent, Meyers Pollock & Robbins, Inc. ("Meyers"), was represented by Louis H. Miron, Esquire, located in Westfield, New Jersey.

CASE INFORMATION

Pastuhov's Statement of Claim was filed on or about October 21, 1996.

Pastuhov's Submission Agreement was signed on November 7, 1996.

Meyers' Statement of Answer was filed on or about January 10, 1997.

Meyers' Submission Agreement was signed on December 19, 1996 by Susan M. Diamond, Compliance Director of Meyers Pollock Robbins.

HEARING INFORMATION

No pre-hearing conferences were held.

The hearing was held on June 6, 1997 for two (2) sessions in Phoenix, Arizona, and on August 19, 1997 for one (1) session via telephone conference call.

CASE SUMMARY

Pastuhov alleged that Meyers made material omissions in its recommendations of unsuitable investments and never conveyed any results of its own due diligence for any of the stocks purchased in Pastuhov's individual retirement account. Pastuhov complained of the following transactions:

- (1) purchase of 1,000 shares of Interactive Medical Technologies on 9/20/94 at \$2 $\frac{1}{8}$ per share;
- (2) purchase of 4,000 shares of Cellular Telecommunications & Technologies on 10/13/94 at \$9 per share;
- (3) purchase of 1,000 shares of Biomune Systems, Inc. on 11/3/94 at \$5 $\frac{1}{32}$ per share;
- (4) sale of 1,000 shares of Biomune Systems, Inc. on 12/9/94 for a loss of about \$1,200;
- (5) purchase of 1,500 shares of Java Central on 12/9/94 for \$2 $\frac{17}{32}$.

According to Pastuhov, Meyers is a market maker of Medical Technologies, Biomune Systems, Inc., and Java Central. Pastuhov asserted losses to the extent of \$39,909.00.

Meyers denied the allegations set forth in the Statement of Claim as they relate to any wrongdoing on its part. Meyers stated that Pastuhov was interested in growth stocks, that he was suitable for all of these investments, and that he made all of these investments and purchased the securities based upon his own independent decisions. Meyers also asserted various affirmative defenses:

RELIEF REQUESTED

Pastuhov requested an award for damages to the extent of \$39,909.00, excluding legal fees, interest, and punitive damages.

OTHER ISSUES CONSIDERED AND 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, the evidence presented at the hearing and the interim submissions from the parties, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. The Statement of Claim is hereby denied in its entirety with prejudice;

2. Other than forum fees, which are addressed below, all other claims and requests for relief not specifically awarded here are, and each of them, hereby denied with prejudice.

FORUM FEES

Forum fees are calculated at the rate of \$400 per hearing session and \$300 for each pre-hearing conference, if any. There were no pre-hearing conferences and there were three (3) hearing sessions x \$400 = \$1,200 in forum fees. Pursuant to § 10332(b) of the NASD Code of Arbitration Procedure (the "Code") a hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with an arbitrator, which lasts four (4) hours or less.

Pursuant to § 10332(c) of the Code, the NASD Regulation, Inc. Office of Dispute Resolution shall retain the non-refundable filing fee of \$120 and shall retain as forum fees the hearing session deposit of \$400 previously deposited with the NASD Regulation, Inc. Office of Dispute Resolution by Alexis Pastuhov.

Pursuant to § 10333 of the Code, the NASD Regulation, Inc. Office of Dispute Resolution shall retain the non-refundable member surcharge of \$200 previously deposited with the NASD Regulation, Inc. Office of Dispute Resolution by Meyers Pollock & Robbins, Inc.

Meyers Pollock & Robbins, Inc. is liable for and shall pay the NASD Regulation, Inc. Office of Dispute Resolution forum fees of \$800.

Fees are payable to the NASD Regulation, Inc. Office of Dispute Resolution.

Concurring Arbitrators' Signatures

Gregory W. Dawson
Gregory W. Dawson, Esquire
Chairperson
Public Arbitrator

/s/

September 5, 1997
Dated:

Jerome W. Stranahan
Jerome W. Stranahan
Panelist
Public Arbitrator

/s/

September 10, 1997
Dated:

Maureen Beyers
Maureen Beyers
Panelist
Industry Arbitrator

/s/

September 5, 1997
Dated: