

N.A.S.D. REGULATION AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.

CASE: 96-04679

Peter Menges and Gregory Pettine, claimants v. Daryn Harpaz, Jr., Brian Cork, Michael Davis, Lionheart Financial Group, Inc., Valiant Partners, Inc. and Wellington Ashford Capital, Inc., respondents.

ATTORNEYS:

Claimants Peter Menges and Gregory Pettine appeared Pro Se.

For Respondents

Daryn Harpaz, Jr. appeared Pro-se. For Brian Cork appeared Anna M. Kautzman, Esq. of Denver, CO. Michael Davis appeared Pro-se. Wellington Ashford Capital, Inc. did not respond to the Statement of Claim. Lionheart Financial Group, Inc. and Valiant Partners, Inc., were served with the Statement of Claim on a voluntary basis and did not submit to NASD's jurisdiction.

DATE FILED: 10/21/96.

CASE SUMMARY: Claimants alleged breach of contract and misrepresentation regarding their investment in Murdock Capital Corporation.

Claim Data

Claim: \$9,009.00
Interest: From April 9, 1996
Punitive: Unspecified
Atty Fees: Unspecified
Filing Fees: \$.00
Other: Costs, remedial action

Award Data


Award: \$.00
Interest: \$.00
Punitive: \$.00
Atty Fees: \$.00
Filing Fees: \$.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of claimants against all respondents are dismissed in their entirety without prejudice. 2) All requests for attorney fees are denied. 3) All requests for punitive damages are denied. 4) All other relief requests are denied. 4) The \$150.00 filing fee previously deposited by the claimants with the National Association of Securities Dealers Regulation, Inc. shall be retained by NASD Regulation, Inc.

OTHER ISSUES: The Arbitrator reserved his ruling on all motions. The Arbitrator determined that the NASD does not have jurisdiction over this matter and pursuant to Rule 10305 of the NASD Code of Arbitration Procedure, dismissed the claims without prejudice and refer the parties to the remedies provided by applicable law.

AFFIRMATION

I, Donald P. Shwayder, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



Donald P. Shwayder, Esq.

June 18, 1997

Date of award