

N.A.S.D. REGULATION AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Scott Daiagi

96-04908

Name of Respondent

Investors Associates, Inc

CASE SUMMARY

In a case filed with National Association of Securities Dealers Regulation, Inc. on November 4, 1996, claimant Scott Daiagi ("claimant"), who appeared Pro Se, alleged that on or about June 2, 1995, he purchased 1500 shares of New Day Beverage Unit stock ("New Day"), through Investors Associates, Inc. ("IAI"). Claimant also alleged that he wired funds sufficient to pay for the shares, but IAI has failed to deliver these shares into his account, despite repeated requests to rectify the mistake.

Respondent IAI through its representative and counsel M. David Sayid of the law firm Sayid and Associates, located in Hackensack, New Jersey, maintained that claimant is a professional trader, that has numerous accounts on the street. Respondent further contended that claimant is upset at the fact that he did not receive any initial public offering securities from it. Respondent also contended that claimant's broker's allocation of shares was cut drastically and the only amount he could allocate to his clients was 100 shares per person at the IPO level. Respondent maintained that when the broker told claimant this, claimant became angry and insisted that he receive greater participation in the IPO. Respondent further maintained that claimant's broker apologized and reported to management that his client was upset. Respondent also maintained that claimant has not lost any of his principal funds and is looking for profits for a transaction that he never transacted.

RELIEF REQUESTED

Claimant Scott Daiagi requested: (1) \$9,187.50 in damages; (2) \$150.00 for the filing fee; and (3) \$500.00 for legal fees incurred.

Respondent IAI requested that the claims of claimant be dismissed in their entirety, plus costs, fees, expenses and reasonable attorneys' fees in an amount not less than \$5,000.00 and such other and further relief as justice and equity require.

AWARD

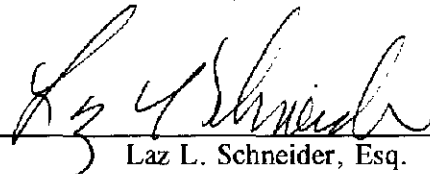
Pursuant to Rule 10302 of the Code of Arbitration Procedure, a single Public Arbitrator Laz Schneider, Esq., was selected to review the matter in controversy between the parties set forth in Submissions to Arbitration signed by claimant Scott Daiagi on October 29, 1996 and by respondent IAI on March 3, 1997, as required by Rules 10301 and 10302 of the Code of Arbitration Procedure.

And, the Arbitrator, having considered the proof of the parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Respondent IAI be and hereby is liable and shall pay claimant the sum of \$9,187.50 in damages.
2. All other relief requests are denied.
3. The \$150.00 filing fee previously deposited by claimant shall be retained by NASD Regulation, Inc. Respondent IAI be and hereby is liable and shall pay claimant the sum of \$150.00 as reimbursement of the filing fee.

AFFIRMATION

I, **Laz Schneider, 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.



Laz L. Schneider, Esq.

Date of Decision: May 7, 1997