
Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between: Bernardo S. Orina, Claimant vs. A.L. Williams & Associates, Inc., First American National Securities, Primerica Financial Services, Inc., PFS Investments, Inc., Travelers Group, Inc., Primenca, Smith Barney, Inc. and Primerica Life Insurance Company, Respondents.

Case Number: 96-05632

Hearing Site: San Francisco, California

REPRESENTATION OF PARTIES

Claimant, Bernardo S. Orina, hereinafter referred to as "Claimant": represented himself, pro se.

Respondents, A.L. Williams & Associates, Inc., First American National Securities, Primerica Financial Services, Inc., PFS Investments, Inc., Travelers Group, Inc., Primerica, Smith Barney, Inc. and Primerica Life Insurance Company, hereinafter collectively referred to as "Respondents": Lisa M. Bertain, Esq., Keesal, Young & Logan, San Francisco, California.

CASE INFORMATION

Statement of Claim filed on: November 30, 1995.

Claimant signed the Uniform Submission Agreement: December 12, 1996.

Statement of Answer filed by Respondents on: September 18, 1997.

Respondents' Motion to Dismiss filed on: September 18, 1997.

Claimant's Motion to Withdraw Claims Without Prejudice, or alternatively, Dismiss Complaint Without Prejudice filed on: November 14, 1997.

Respondents' Reply to Claimant's Motion to Withdraw Claims: December 22, 1997.

Respondents' letter renewing previous Motion to Dismiss: November 4, 1998.

Claimant's letter withdrawing Motion to Withdraw Claims: May 17, 1999.

Claimant's letter and exhibits: June 21, 1999.

Claimant's letter of August 22, 2000.

Respondents' letter of September 12, 2000.

CASE SUMMARY

Claimant alleged that the Respondents committed various wrongful acts and omissions during his contractual relationship with the respondents as an independent contractor. The alleged acts and omissions included: failure to provide proper 1099 Income Statements, failure to provide a Form W-2, overstatement of reported income to IRS, violation of Equal Opportunity Laws, employment discrimination, insurance fraud, divested commissions, breach of contract, failure to supervise, sales force limitations with respect to non-proprietary products, co-mingling of agent's accounts, unsuitability, loss of business, market value, loss of good reputation and emotional distress.

Respondents denied the allegations of wrongdoing alleged in Claimant's Statement of Claim. Respondents asserted the following affirmative defenses: Claimant failed to state a claim upon which relief can be granted and damages resulted in whole or in part from Claimant's own acts or omissions. Respondents also asserted that Claimant failed to mitigate damages.

RELIEF REQUESTED

Claimant requested damages in the amount of \$30,000,000.00.

Respondents requested that all claims against them in this matter be dismissed. Respondents also requested reimbursement for all attorney's fees and other costs associated with this arbitration.

OTHER ISSUES CONSIDERED AND DECIDED

Uniform Submission Agreement

Respondents did not file with the NASD Dispute Resolution, Inc. properly executed Uniform Submission Agreements. Salomon Smith Barney, Inc. and First American National Securities, Inc. (n/k/a PFS Investments, Inc.) are required to submit to arbitration pursuant to the Code and, having answered the claim, are bound by the determination of the Panel on all issues submitted. Respondents TravelersGroup, Primerica Life Insurance Company, Primerica Financial Services, A.L. Williams & Associates and Primerica are not members but having appeared in this matter and having answered the Statement of Claim are bound by all rulings contained herein.

Panel's Order dated September 20, 1999

After full consideration of the Respondents' Motion to Dismiss, the Panel issued an Order dated September 20, 1999.

In the above-referenced Order of September 20, 1999, the Panel dismissed with prejudice all claims with respect to Respondents Travelers Group and Salomon Smith Barney. As to the remaining Respondents, the Panel dismissed with prejudice Claimant's Causes of Action 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 as set forth in the Claimant's Summary of Issues Describing the Dispute.

The Panel permitted this matter to proceed on Claimant's Causes of Action 1 and 2, provided the Claimant submit a detailed report, by year, comparing the income reported to the I.R.S. with the income per Claimant's calculations. Additionally, Claimant was ordered to prepare a damage calculation statement, by year, showing damages and relief the Claimant was seeking. Claimant was ordered to produce these items no later than October 18, 1999. Upon requests made by the Claimant, the Panel extended the deadline several times to comply with their Order. On July 19, 2000, the Panel decreed August 25, 2000 as the final deadline to comply with the terms of the September 20, 1999 Order.

AWARD

After considering the pleadings and submissions, as well as the testimony and arguments presented at the hearings on May 6, 1999 and June 10, 1999, and incorporating by reference the Panel's Order of September 20, 1999, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. On August 22, 2000, Claimant responded to the Panel's Order of September 20, 1999. The Panel finds that Claimant failed to comply with the terms of the September 20, 1999 Order. Accordingly, Claimant's Causes of Action 1 and 2, as set forth in the Claimant's Summary of Issues Describing the Dispute, are hereby dismissed with prejudice.
2. The Parties shall bear their respective costs, including attorney's fees
3. All other relief requested and not expressly granted herein is denied

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain the non-refundable filing fees for each claim:

Initial claim filing fee = \$500.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated persons at the time of the events giving rise to the dispute. In this matter Salomon Smith Barney, Inc. and First American National Securities, Inc. (n/k/a PFS Investments) are member firms subject to member fees.

Member surcharge = \$500.00/member firm

Forum Fees and Assessments

The Arbitrator Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions @ \$1,500/session = \$3,000.00

Pre-hearing conferences: February 22, 1999 1 session
April 15, 1999 1 session

Two (2) Hearing sessions @ \$1,500/session = \$3,000.00

Hearing Dates: May 6, 1999 1 session
June 10, 1999 1 session

Total Forum Fees = \$6,000.00

The Panel has assessed \$6,000.00 of the forum fees jointly and severally to the Respondents

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

Claimant requested copies of audio transcripts = \$30.00

FEES SUMMARY

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$500.00
<u>Administrative Costs</u>	= \$ 30.00
Total Fees	= \$ 530.00
<u>Less payments</u>	= (\$530.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

2. Respondent Smith Barney, Inc. is charged with the following fees and costs:

Member Fees	= \$500.00
<u>Less payments</u>	= (\$ 0.00)
Balance Due NASD Dispute Resolution, Inc.	= \$500.00

3. Respondent First American National Securities, Inc. (n/k/a PFS Investments) is charged with the following *fees* and costs:

Member Fees	= \$ 500.00
<u>Less Payments</u>	= (\$ 0.00)
Balance Due NASD Dispute Resolution, Inc.	= \$500.00

4. Respondents A.L. Williams & Associates, Inc., First American National Securities, Primerica Financial Services, Inc., Travelers Group, Inc., Primerica, Smith Barney, Inc. and Primerica Life Insurance Company are charged jointly and severally with the following fees and costs:

Forum Fees	= \$6,000.00
<u>Less Payments</u>	= 0.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 6,000.00

All balances are due and payable to NASD Dispute Resolution, Inc

ARBITRATION PANEL

Nancy Hutt, Esq.
Donald Alston
James R. Dickson

Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

NASD Dispute Resolution, Inc.
Arbitration No. 96-05632
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Concurring Arbitrators' Signature(s)

Nancy Hutt
Nancy Hutt, Esq.
Public Arbitrator, Presiding Chair

6/14/2001
Signature Date

Donald Alston
Public Arbitrator

Signature Date

James R. Dickson
Industry Arbitrator

Signature Date

Date Served:

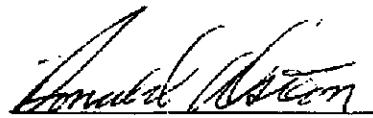
JUN 20 2001

Date of Service (For NASD-Dispute Resolution office use only)

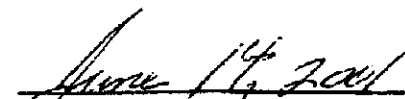
Concurring Arbitrators' Signature(s)

Nancy Hutt, Esq.
Public Arbitrator, Presiding Chair

Signature Date



Donald Alston
Public Arbitrator



Signature Date

James R. Dickson
Industry Arbitrator

Signature Date

Date Served:

JUN 20 2001

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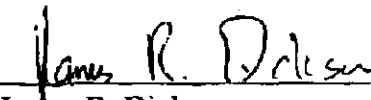
Concurring Arbitrators' Signature(s)

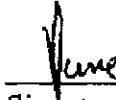
Nancy Hutt, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Donald Alston
Public Arbitrator

Signature Date


James R. Dickson
Industry Arbitrator

 June 15, 2001
Signature Date

Date Served:

JUN 20 2001

Date of Service (For NASD-Dispute Resolution office use only)