

**N.A.S.D. REGULATION AWARD**  
**NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.**

CASE: 97-00057

Benjamin Zappin, claimant vs. George Smith and Advest, Inc., respondents.

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**ATTORNEYS:**

For Claimant appeared Gerald W. Simmons, Esq., of the law firm Thompson Hine & Flory, P.L.L., Cleveland, OH.

For Respondents appeared in-house counsel Barry J. Kronemer, Esq., Hartford, CT.

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**DATE FILED:** January 6, 1997.

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**CASE SUMMARY:** Claimant alleged breach of fiduciary duty, breach of contract and failure to supervise with respect to respondents' recommendations for his portfolio.

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**Claim Data**

Claim: \$10,000.00  
Punitive: \$.00  
Atty Fees: \$.00  
Filing Fees: \$.00  
Other: \$.00

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**Award Data**

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

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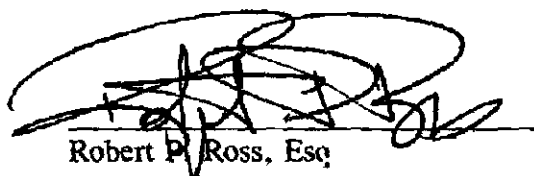
**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of claimant are dismissed in their entirety. 2) All other relief requests are denied. 3) The \$150.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the claimant, shall be retained by NASD Regulation, Inc.

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**OTHER ISSUES:** 1) The arbitrator denied respondent George Smith's request for expungement of his CRD records. 2) With respect to claimant's discovery request, the arbitrator determined that no additional documents were required. 3) The arbitrator denied respondents' request for a pre-hearing conference to resolve discovery issues.

**AFFIRMATION**

I, Robert P. Ross, 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.



Robert P. Ross, Esq.

August 25, 1997  
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Date of Award