

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

GKN Securities, Inc., (Claimant) vs. Peter Zacek, (Respondent)

Case Number: 99-00411

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, GKN Securities, Inc., hereinafter referred to as "Claimant": Kenneth O'Connor, Esq., Lubiner & Schmidt, Kenilworth, New Jersey.

Respondent, Peter Zacek, hereinafter referred to as "Respondent" did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: January 4, 1999.

Claimant signed the Uniform Submission Agreement: January 5, 1999.

Respondent did not file a Statement of Answer or sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant alleged that Respondent signed a promissory note which became due when his employment with Claimant terminated on or about September 15, 1998 and that he has failed to pay the amount owed on the note despite a demand.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$36,294.11
Interest	unspecified
Attorneys' Fees	unspecified
Other Costs	unspecified

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrator (the "Arbitrator") determined that the Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent did not file with the NASD Regulation, Inc. Office of Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent be and hereby is liable for and shall pay Claimant \$36,294.11 in compensatory damages.
2. Respondent be and hereby is liable for and shall pay Claimant \$5,312.16 representing interest accrued from September 15, 1998 to March 2, 2000, pursuant to the promissory note signed by Respondent.
3. Respondent be and hereby is liable for and shall pay Claimant \$3,000.00 in attorney's fees. The arbitrator assessed attorney's fees pursuant to the promissory note signed by the Respondent which provided for the payment of attorney's fees.
4. Respondent be and hereby is liable for and shall pay Claimant \$500.00 to reimburse Claimant for the non-refundable filing fee previously paid to NASD Regulation, Inc.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$ 500.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the event giving rise to the dispute. In this matter, GKN Securities, Inc. is a party.

Member surcharge	= \$ 800.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,000.00

Forum Fees and Assessments

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

One (1) Pre-hearing session with a single arbitrator x \$300.00	= \$ 300.00
Pre-hearing conference: December 20, 1999 1 session	

One (1) Hearing session x \$300.00	= \$ 300.00
Hearing Date: March 2, 2000 1 session	
Total Forum Fees	= \$ 600.00

The Arbitrator has assessed \$600.00 of the forum fees against Respondent.

Fee Summary

1. Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$ 500.00
Member Fees	= \$2,400.00
Total Fees	= \$2,900.00
Less payments	= \$3,350.00
Refund Due Claimant	= \$ 450.00


2. Respondent be and hereby is solely liable for:

Forum Fees	= \$ 600.00
Total Fees	= \$ 600.00
Less payments	= \$ 0.00
Balance Due NASD Regulation, Inc.	= \$ 600.00

All balances are due and payable to NASD Regulation, Inc.

Arbitrator's Signature

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.


Nathan J. Minucci
Industry Arbitrator, Presiding Chair

4-10-00
Signature Date

April 12, 2000
Date of Service (For NASD office use only)