

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

John Coleman, (Claimant) vs. Patrick Steven Mirabelli, (Respondent).

Case Number: 99-00494

Hearing Site: San Francisco, California.

REPRESENTATION OF PARTIES

John Coleman hereinafter referred to as "Claimant": Represented himself.

Steven Patrick Mirabelli hereinafter referred to as "Respondent": Represented himself.

CASE INFORMATION

Statement of Claim filed on or about: February 2, 1999.

Claimant signed the Uniform Submission Agreement: February 2, 1999.

The Answer to Statement of Claim and Counter-Claim was filed by Respondent on or about: April 16, 1999.

Patrick Steven Mirabelli signed the Uniform Submission Agreement: April 16, 1999.

The Answer to Counter-Claim was filed on or about: April 29, 1999.

CASE SUMMARY

Claimant asserted the following causes of action: money had and received; breach of contract. These causes of action relate to the debit balance in Mirabelli's account subsequent to his purchase of Audio Highway.

Respondent Counter-Claimant Mirabelli denied the allegations made in the Statement of Claim. and asserted the following defenses: The Claimant fails to state a claim upon which relief can be granted; the matters upon which Claimant complains were caused and/or exacerbated, in whole or in part, by persons, parties or forces other than the answering respondent; if claimant sustained any damage as alleged, the damages were proximately caused and contributed to by Claimant in failing to conduct himself in a manner ordinarily expected of reasonably prudent persons in the conduct of their affairs and business; the Statement of Claim is barred by the Statute of Frauds; the Statement of Claim is barred by failure of consideration; the Statement of Claim is barred by the doctrine of unclean hands; the Claimant has breached the covenant of good faith and fair dealing.

Respondent Counter-Claimant Mirabelli asserted the following causes of action in his Counter-Claim: breach of contract; breach of oral contract; negligent misrepresentation of fact; conversion; and accounting. These causes of action relate to Coleman's sale of Audio Highway.

Counter-Respondent Coleman denied the allegations asserted in the counter-claim.

RELIEF REQUESTED

Claimant Coleman requested:

Compensatory Damages	\$3,473.21
Interest	From January 7, 1999 @ 10%.
Attorneys' Fees	\$800
Other Costs	\$575

Respondent Counter-Claimant Mirabelli requested:

Compensatory Damages	\$20,000
Punitive Damages	To be determined by the arbitrator.
Attorneys' Fees	To be determined by the arbitrator.
Other Costs	Filing Fees.
Non-Monetary Relief if any:	An accounting from Counter-Respondent

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant John Coleman is awarded and Respondent Patrick Steven Mirabelli shall pay to Claimant the sum of \$3,473.21 in compensatory damages;
2. Claimant John Coleman is awarded and Respondent Patrick Steven Mirabelli shall pay to Claimant the sum of \$254.07 in interest;
3. Claimant John Coleman is awarded and Respondent Patrick Steven Mirabelli shall pay to Claimant the sum of \$750.00 in attorney's fees pursuant to the Customer's Agreement;
4. Claimant John Coleman is awarded and Respondent Patrick Steven Mirabelli shall pay to Claimant the sum of \$775 in costs;
5. Each and every claim asserted in the Counter-Claim is denied and dismissed.

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
Counter-claim filing fee	= \$ 75

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter the member firm, Corporate Securities Group, is the Respondent's firm.

Member surcharge	= \$200
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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(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$300	= \$300
Pre-hearing conference: August 4, 1999	1 session.

One (1) Hearing sessions x \$300	= \$300
Hearing Date(s): October 4, 1999	1 session

Total Forum Fees	= \$600
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1. The Arbitrator has assessed \$300 of the forum fees to Claimant Coleman.
2. The Arbitrator has assessed \$300 of the forum fees to Respondent / Counter-Claimant Mirabelli.

Fee Summary

1. Claimant Coleman is solely liable for:

Initial Filing Fee	= \$500
<u>Forum Fees</u>	<u>= \$300</u>
Total Fees	= \$800
<u>Less payments</u>	<u>= \$575</u>
Balance Due NASD Regulation, Inc.	= \$225

2. Respondent / Counter-Claimant Mirabelli

Counter-claim Filing Fee	= \$ 75
<u>Forum Fees</u>	<u>= \$300</u>
Total Fees	= \$375
<u>Less payments</u>	<u>= \$375</u>
Balance Due NASD Regulation, Inc.	= \$ 0

3. Corporate Securities Group is solely liable for:

<u>Member Fees</u>	<u>= \$200</u>
Total Fees	= \$200
<u>Less payments</u>	<u>= \$200</u>
Balance Due NASD Regulation, Inc.	= \$ 0

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

Concurring Arbitrators' Signature(s)



Martin Mandel, Esq.
Public Arbitrator, Presiding Arbitrator

11/5/99
Signature Date

Date Served:

NOV 08 1999