

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

CASE: 99-00573

Stifel, Nicolaus & Co., Inc., claimant vs. Thomas York, respondent.

ATTORNEYS:

For Claimant, Stifel, Nicolaus & Co., Inc., appeared L. Chapman Smith, Esq. and Rebecca S. Whitehouse, Esq. of the firm, Baker & Botts, L.L.P., Houston, TX.

Respondent, Thomas York, appeared Pro Se., Houston, TX.

DATE FILED: 02/09/99

CASE SUMMARY:

In the initial claim filed, claimant, Stifel, Nicolaus & Co., Inc., alleged breach of a promissory note and unjust enrichment.

Respondent, Thomas York, filed a counterclaim and alleged that claimant, Stifel, Nicolaus & Co., Inc., while employing respondent in its Houston office, led respondent to work under the impression respondent would receive monetary compensation for services rendered. Claimant's abrupt decision to close the Houston office monetarily damaged respondent and respondent's clients; claimant denied respondent the ability to work; claimant withheld all of respondent's commission profits and payout.

Claim Data

Claim: \$8,357.83
Atty Fees: \$506.00
Interest: accruing from 10/15/98 until 2/5/99 of \$232.87
Costs: \$875.00
Filing Fee: \$.00

Counterclaim Data

Counterclaim: \$9,779.66

Award Data

Award: \$8,357.83
Atty Fees: \$506.00
Interest: @ rate of 9% per annum from 10/15/98 until 2/5/99
Costs: \$.00
Filing Fee: \$575.00

Counterclaim Award Data

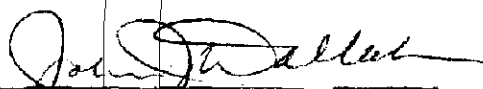
Award: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$8,357.83. 2) Counterclaim filed by respondent, Thomas York, is dismissed in its entirety. 3) Respondent is liable and shall pay claimant attorney fees in the sum of \$506.00. 4) Respondent is liable and shall pay claimant interest at the rate of 9% per annum from 10/15/98 until 2/5/99. 5) Claimant's request for costs were denied. 6) The \$575.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the claimant, shall be retained by NASD Regulation, Inc. 7) Respondent is liable and shall pay claimant \$575.00 as reimbursement of the filing fee. 8) The 575.00 counterclaim filing fee previously deposited by the respondent, shall be retained by NASD Regulation, Inc.

OTHER FEES: Pursuant to Rule 10333 of the Code, claimant has paid to NASD Regulation, Inc. the \$300.00 Member Surcharge previously invoiced.

AFFIRMATION

I, John J. Dallahan, 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.


John J. Dallahan

November 9, 1999
Date of award