

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

CASE: 99-00752

Fidelity Brokerage Services, Inc., claimant vs. Michael A. Tomaselli, respondent.

ATTORNEYS:

For Claimant Fidelity Brokerage Services, Inc. ("Claimant"), Laurence K. Richmond, Esq.,
Laurence K. Richmond & Associates, Quincy, Massachusetts.

Respondent Michael A. Tomaselli ("Respondent"), did not respond to the Statement of Claim.

DATE FILED: 2/19/1999

CASE SUMMARY: Claimant maintained on May 28, 1998, Respondent deposited a check for \$20,000.00 to pay for his purchase of Comondore Holdings Ltd. Warrants. Claimant alleged that Respondent's check was returned and as a result, his account was liquidated. Claimant further alleged that after the liquidation of Respondent's account, there existed a debit which had not been paid.

Claim Data

Claim: \$12,003.69

Interest: unspecified

Atty Fees: unspecified

Filing Fees: unspecified

Award Data

Award: \$12,003.69

Interest: at 6% from 6/15/1998 to the
date of the award

Atty Fees: \$750.00

Filing Fees: \$800.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is hereby liable and shall pay to the Claimant \$12,003.69. 2) Respondent is hereby liable and shall pay to the Claimant interest at 6% accruing from June 15, 1998 to the date of the award. 3) Respondent is hereby liable and shall pay to the Claimant attorney fees in the amount of \$750.00. 4) The \$800.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the Claimant, shall be retained by NASD Regulation, Inc. 5) Respondents is hereby liable and shall pay Claimant \$800.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Regulation, Inc. the \$400.00 Member Surcharge previously invoiced.

OTHER ISSUES: Pursuant to the By-Laws of NASD Regulation, the arbitrator determined that Respondent Michael A. Tomaselli was served notice of the Statement of Claim, Overdue Notice and Notification of Arbitrator by regular mail and is therefore bound by the arbitrator's ruling and determination.

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AFFIRMATION

I, Earl L. Cahan, 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.

A handwritten signature in cursive script, appearing to read "Earl L. Cahan", is written over a horizontal line.

Earl L. Cahan, Esq.

April 3, 2000

Date of award