



NASD Regulation, Inc.

Office of Dispute Resolution

125 Broad Street * 36th Floor * New York, NY 10004-2193 * 212-858-4400 * Fax 212-858-4389

Satellite Office at: 1735 K Street * 4th Floor * NW * Washington, DC 20006-1506 * 202-728-8958 * Fax 202-728-6952

N.A.S.D. REGULATION AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.

CASE: 99-01152

Thomas E. Kuzemchak and John J. Kuzemchak, claimants vs. James Borrelli and VTR Capital, Inc., n/k/a Fairchild Financial Group, respondents.

ATTORNEYS:

Claimants Thomas E. Kuzemchak and John J. Kuzemchak ("Claimants"), appeared Pro Se., Latrobe, PA.

For Respondents James Borrelli and VTR Capital, Inc., ("Respondents"), Ruthann G. Niosi, Esq. of the Law Offices of Ruthann G. Niosi, New York, NY.

DATE FILED: March 11, 1999

CASE SUMMARY: Claimants alleged that Respondents James Borrelli and VTR Capital, Inc. misrepresented their position and conducted business in an unethical and fraudulent manner for the purpose of personal financial gain.

Claim Data

Claim: \$7,135.25
Filing Fees: \$150.00
Other: \$60.00

Award Data

Award: \$3,088.75
Filing Fees: \$.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents are jointly and severally liable and shall pay to the claimant \$3,088.75. 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.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, VTR Capital, Inc., has not paid to NASD Regulation, Inc. the \$300.00 Member Surcharge previously invoiced. There is an outstanding balance of \$25.04.

ARBITRATOR REPORT: Thomas E. Kuzemchak and John J. Kuzemchak are to awarded the sum of \$3,088.75. In addition, if the net asset value of the John Hancock Regional Bank Fund on October 28, 1996 exceeded its net asset value of October 15, 1996, Thomas E. Kuzemchak and John J. Kuzemchak are to be awarded an amount equal to (the difference in net asset value on the two dates* (\$2,000/Nav on October 15, 1996).

Page Two
Award 99-01152

AFFIRMATION

I, Richard F. Bieker, 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.

Richard F. Bieker
Richard F. Bieker

April 3, 2000
Date of award