

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Everen Securities, Inc., n/k/a First Union Securities. (Claimant) vs. Brett Matossian, (Respondent).

Case Number: 99-01318

REPRESENTATION OF PARTIES

Everen Securities, Inc., n/k/a First Union Securities hereinafter referred to as "Claimant": Diane C. Fischer, Esq., Gomberg, Kane & Fischer, Chicago, Illinois.

Brett W. Matossian hereinafter referred to as "Respondent": Katherine Hendricks, Esq., Hendricks & Lewis, Seattle, Washington.

CASE INFORMATION

Statement of Claim filed on or about: March 17, 1999.

Claimant executed the Uniform Submission Agreement: March 17, 1999.

Statement of Answer filed by Respondent on or about: May 26, 1999.

Respondent signed the Uniform Submission Agreement on or about: June 2, 1999.

CASE SUMMARY

Claimant asserted the following causes of action: Respondent breached the terms of a Promissory Note "Note".

Respondent denied the allegations made in the Statement of Claim. Respondent specifically denies that any amounts are due under the terms of the Note.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$54,732.00
Interest	\$904.40
Attorneys' Fees	Unspecified
Other Costs	Unspecified

OTHER ISSUES CONSIDERED AND DECIDED

The parties shall receive counterpart copies of this award.

AWARD

After considering the pleadings, motions, submissions and the argument made during the pre-hearing conferences the panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Claimant is awarded and Respondent shall pay to Claimant the sum of \$54,732.00;
2. The Claimant is awarded and Respondent shall pay to Claimant interest in the amount of \$13.50 per day from November 9, 1999 until the date this award is satisfied;
3. The Claimant is awarded and Respondent shall pay to Claimant the sum of \$3,420.50 in attorneys' fees as provided for by the executed Promissory Note;
4. The Claimant is awarded and Respondent shall pay to Claimant the sum of \$2,700.00 in costs.

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

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 Everen Securities is a party.

Member surcharge = \$1,000
Pre-hearing process fee = \$ 600

Forum Fees and Assessments

The Arbitrator Panel 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:

Two (2) Pre-hearing session(s) with Panel x \$600 = \$1,200
Pre-hearing conference(s): November 11, 1999 1 session;
December 20, 1999 1 session.

Total Forum Fees = \$1,200

The panel has assessed all forum fees to Brett Matossian.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 500
<u>Member Fees</u>	<u>= \$1,600</u>
Total Fees	= \$2,100
<u>Less payments</u>	<u>= \$2,700</u>
Balance <Refund>	= <\$600>

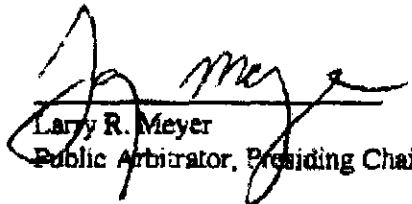
2. Respondent is solely liable for:

<u>Forum Fees</u>	<u>= \$1,200</u>
Total Fees	= \$1,200
<u>Less payments</u>	<u>= \$ 0</u>
Balance Due NASD Regulation, Inc.	= \$1,200

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

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Concurring Arbitrators' Signature(s)



Larry R. Meyer
Public Arbitrator, Presiding Chair

2-15-00

Signature Date

Bernard W. McNallen
Public Arbitrator

Signature Date

Robert McCollough
Industry Arbitrator

Signature Date

Date Served:
FEB 15 2000

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Consenting Arbitrators' Signature(s)

Larry R. Meyer
Public Arbitrator, Presiding Chair

Signature Date

Bernard W. McNallen
Public Arbitrator

Signature Date


Robert McCullough
Industry Arbitrator

2/15/2000
Signature Date

Date Served:

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