

**Award**  
**NASD Regulation, Inc.**

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In the Matter of the Arbitration Between:

Daniel N. Talcott Claimant vs. Interpacific Investor Services, Inc., Respondent.

Case Number: 99-01938

Hearing Site: Seattle, WA

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**REPRESENTATION OF PARTIES**

Claimant, Daniel N. Talcott (hereinafter referred to as "Claimant"): *In Pro Per*, 821 142<sup>nd</sup> Place, SE #C, Bellvue, WA 98007

Respondents, Interpacific Investor Services, Inc., (hereinafter referred to as "Respondent"):  
Mona Ellison, Interpacific Investors Service, Inc., 2623 2<sup>nd</sup> Avenue, Seattle, WA 98121

**CASE INFORMATION**

Statement of Claim filed on or about: April 28, 1999

Claimant signed the Uniform Submission Agreement: April 23, 1999

Statement of Answer filed by Respondent on or about: July 13, 1999

Respondent signed the Uniform Submission Agreement: July 13, 1999

**CASE SUMMARY**

Claimant asserted the following causes of action: Claimant asserts that Respondent owed him additional commissions for 12(b)1 fees. Claimant contends that he was owed the fees for trades made on behalf of his clients during the time he was employed by Respondent. Claimant also asserts that Respondent delayed in changing his insurance license after he left the company.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant worked for Respondent as an independent contractor registered representative. Claimant's claim for the commissions is barred by the terms of Claimant's contract with Respondent. Respondent also alleges that Claimant's new employer, and not the Respondent, delayed in transferring the insurance license. Finally, Respondent alleges that Claimant breached his independent contractor contract because he failed to notify Respondent, in writing, within 5 days prior to his resignation from the Respondent firm.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages

\$1,780.55

**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 the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent shall pay Claimant \$1,780.55.
2. Respondent shall pay Claimant interest at the rate of 5% beginning from November 30, 1998, until such time as the award is paid.
3. Respondent shall be solely liable for the costs of the arbitration.
4. All other claims are denied in their entirety.

**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 = \$25

**Member Fees**

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

Member surcharge	= \$150
Pre-hearing process fee	= \$ 0
<u>Hearing process fee</u>	<u>= \$ 0</u>
Total member fees	= \$150

### **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, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$50	= \$50
Pre-hearing conference: January 14, 2000	1 session
One (1) Hearing sessions with a single arbitrator x \$50	= \$50
Hearing Date: February 15, 2000	1 session
Total Forum Fees	= \$100

1. The Arbitrator has assessed \$100 of the forum fees to Respondent.

### **Fee Summary**

1. Claimant is hereby solely liable for:

<u>Initial Filing Fee</u>	= \$ 25
Total Fees	= \$ 25
<u>Less payments</u>	= \$ 75
Refund	(= \$ 50)

3. Respondent is hereby is solely liable for:

Member Fees	= \$ 150
<u>Forum Fees</u>	= \$ 100
Total Fees	= \$ 250
<u>Less payments</u>	= \$ 150
Balance Due NASD Regulation, Inc.	= \$ 100

All balances are due to NASD Regulation, Inc. and are payable within 30 days of the service date of this Award.

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**Concurring Arbitrators' Signature**

  
William J. Chambers

  
Signature Date

Date of Service (For NASD office use only)

Date Served:

MAR 9 2000