

AWARD
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Fausto Speranza, Claimant vs. Martin Coffey and Securities America, Inc., Respondents

Case Number: 99-02800 Hearing Site: Boston, Massachusetts

REPRESENTATION OF PARTIES

Claimant, Fausto Speranza, hereinafter referred to as "Claimant": Marc A. Page, Esq., Westerly, Rhode Island

Respondents, Martin Coffey, ("Coffey") and Securities America, Inc. ("Securities America"), hereinafter collectively referred to as "Respondents": Denis C. Dice, Esq., Marshall Dennehey Warner Coleman & Goggin, Philadelphia, Pennsylvania

CASE INFORMATION

Statement of Claim filed on or about: June 21, 1999

Claimant signed the Uniform Submission Agreement: June 16, 1999

Statement of Answer filed by Respondents on or about: December 15, 1999

The Uniform Submission Agreement was executed on behalf of Respondent Securities America signed: February 25, 2000

Respondent Coffey did not file an executed agreement to arbitrate.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty; contracting with a minor; inducing Claimant to authorize unsuitable investments; and negligence. The causes of action relate to level four option trading.

Unless specifically admitted in its Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant's failure to timely object to any of the transactions of which he complains constitutes a ratification of these transactions and a waiver or estoppel of Claimant's right to any recovery sought in the Statement of Claim; a failure to mitigate damages; no proximate cause; assumption of risk and that Securities America, at all times, exercised appropriate supervision of Respondent Coffey.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$28,024.32
Interest	Amount Not Specified
Attorneys' Fees	Amount Not Specified
Other Costs	Amount Not Specified

Respondents requested that Claimant's claims be denied in their entirety, and that all costs be assessed to Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Coffey did not file with NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Arbitrator on all issues submitted.

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 Arbitrator decided in full and final resolution of the issues submitted for determination as follows:

1. That Claimant's claims are denied in their entirety; and
2. That each party is to bear their own costs and expenses, including attorneys' fees, with the exception of forum fees as specified below; and
3. That any and all relief not specifically addressed herein is denied.

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 = \$150

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(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

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

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:

2 Pre-hearing sessions with a single arbitrator x \$450	= \$900
Pre-hearing conferences:	
May 16, 2000	1 session
August 21, 2000	1 session
2 Hearing sessions x \$450	= \$900
Hearing Date:	
October 3, 2000	2 sessions
Total Forum Fees	= \$1,800

The Arbitrator assessed \$900 of the forum fees to Claimant.

The Arbitrator assessed \$900 of the forum fees to Respondents, jointly and severally.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$150
Forum Fees	= \$900
Total Fees	= \$1050
Less payments	= \$600
Balance Due NASD Regulation, Inc.	= \$450

Respondent, Security America, is solely liable for:

Member Fees	= \$2,200
Total Fees	= \$2,200
Less payments	= \$2,200
Balance Due NASD Regulation, Inc.	= \$ -0-

Respondents are jointly and severally liable for:

Forum Fees	= \$900
Balance Due NASD Regulation, Inc.	= \$900

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

ARBITRATOR'S SIGNATURE

John J. Mark
John J. Mark
Public Arbitrator, Presiding Chair

October 21 - 2000
Signature Date

October 25, 2000
Date of Service (For NASD office use only)