

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Richard Pierre

Case Number: 19-03440

vs.

Respondent
National Securities Corporation

Hearing Site: New York, New York

Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Customer vs. Member

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Richard Pierre: Paul Radvany, Esq., Alejandro De La Torre, Emma McGrath, Okeya Smith, and Christopher Haughey, Lincoln Square Legal Services, Inc., New York, New York.

For Respondent National Securities Corporation: Emily Hayes, Esq., National Holdings Corporation, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: November 18, 2019.
Richard Pierre signed the Submission Agreement: November 18, 2019.

Statement of Answer filed by Respondent on or about: January 21, 2020.
National Securities Corporation signed the Submission Agreement: January 21, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: unsuitability, lack of supervision, breach of fiduciary duty, and overconcentration. The causes of action relate to a real estate investment trust.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested rescission, compensatory damages of at least \$11,000.00; interest in the minimum amount of \$3,712.50; punitive damages; attorneys' fees and costs; and all other relief deemed just and equitable.

In the Statement of Answer, Respondent requested dismissal of the Statement of Claim in its entirety; costs; expenses; forum fees; attorneys' fees; and any additional relief that is just and proper.

At the hearing, Claimant requested \$27,104.00, attorney's fees, expert fees, and punitive damages.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and any post-hearing submissions, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay to Claimant the sum of \$27,104.00 in compensatory damages.
2. Respondent is liable for and shall pay to Claimant the sum of \$6,000.00 in costs.
3. Respondent is liable for and shall pay to Claimant the sum of \$5,000.00 in attorneys' fees. The Arbitrator awarded attorneys' fees as both parties requested attorneys' fees.
4. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, are denied.

FEES

Pursuant to the Code of Arbitration Procedure ("Code"), the following fees are assessed:

Filing Fees

FINRA Dispute Resolution Services assessed a filing fee* for each claim:

Initial Claim Filing Fee = \$ 425.00

**The filing fee is made up of a non-refundable and a refundable portion.*

FINRA Dispute Resolution Services previously deferred Claimant's filing fee of \$ 425.00. Upon conclusion of the matter, the Arbitrator determined to waive the \$125.00 non-refundable portion of the filing fee.

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 events giving rise to the dispute. Accordingly, as a party, Respondent National Securities Corporation is assessed the following:

Member Surcharge = \$ 450.00

Hearing Session Fees and Assessments

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrator, including a pre-hearing conference with the Arbitrator, which lasts four (4) hours or less. Fees associated with these proceedings are:

Four (4) pre-hearing sessions with a single Arbitrator @ \$450.00/session	= \$	1,800.00
Pre-Hearing Conferences: March 10, 2020	1 session	
August 4, 2020	1 session	
November 2, 2020	1 session	
December 14, 2020	1 session	
Four (4) hearing sessions @ \$450.00/session	= \$	1,800.00
Hearings: October 12, 2021	2 sessions	
October 13, 2021	2 sessions	

Total Hearing Session Fees = \$ 3,600.00

The Arbitrator has assessed the total hearing session fees to Respondent.

All balances are payable to FINRA Dispute Resolution Services and are due upon receipt.

ARBITRATOR

Edward W. Morris, Jr.

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Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Arbitrator's Signature

Edward W. Morris, Jr.

Edward W. Morris, Jr.
Sole Public Arbitrator

10/27/2021

Signature Date

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November 05, 2021

Date of Service (For FINRA Dispute Resolution Services use only)