

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant
James Hoffman

Case Number: 16-00276

vs.

Respondent
National Securities Corporation
Saimir Collaku

Hearing Site: Newark, New Jersey

Nature of the Dispute: Customer vs. Member and Associated Person

REPRESENTATION OF PARTIES

For Claimant James Hoffman: Jonathan Kurta, Esq., Fitapelli Kurta, New York, New York.

For Respondent National Securities Corporation: Jill G. Fieldstein, Esq., Nicoll Davis & Spinella LLP, Paramus, New Jersey.

Respondent Saimir Collaku did not enter an appearance.

CASE INFORMATION

Statement of Claim filed on or about: January 22, 2016.
Amended Statement of Claim filed on or about: August 4, 2016.
Claimant signed the Submission Agreement: January 22, 2016.

Statement of Answer filed by Respondent National Securities Corporation on or about: June 30, 2016.
Respondent National Securities Corporation signed the Submission Agreement: April 25, 2016.

Saimir Collaku did not submit an Answer or sign the Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: unsuitability, unauthorized trading, fraud, breach of contract, negligent supervision, and breach of fiduciary duty.

The causes of action relate to unspecified securities.

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

In the Amended Statement of Claim, Claimant asserted the following causes of action: unsuitability, unauthorized trading, fraud, breach of contract, negligent supervision, breach of fiduciary duty, and violation of New Jersey Securities law.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$188,000.00, interest in the amount of \$20,000.00, treble damages in the amount of \$564,000.00, and unspecified punitive damages.

In the Statement of Answer, Respondent National Securities Corporation requested dismissal of the Statement of Claim in its entirety.

In the Amended Statement of Claim, Claimant requested unspecified compensatory damages and punitive damages, pre-judgment interest, attorneys' fees and costs, filing and forum fees, and for such other and further relief which the Arbitrator deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges that she has read the pleadings and other materials filed by the parties.

By email dated September 26, 2016, Claimant dismissed Respondent National Securities Corporation with prejudice.

By notice dated December 29, 2016, Claimant opted to proceed against Respondent Saimir Collaku pursuant to default procedures of Rule 12801 of the Code of Arbitration Procedure ("Code"). The Arbitrator determined that Respondent Saimir Collaku was properly served notice of the Statement of Claim, Overdue Notice, and Notification of the Arbitrator by regular mail, and that Respondent Saimir Collaku is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

AWARD

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

1. Respondent Saimir Collaku is liable for and shall pay to Claimant the sum of \$97,130.31 in compensatory damages.
2. Respondent Saimir Collaku is liable for and shall pay to Claimant pre-judgment interest in the amount of \$1,025.14.

3. Any and all claims for relief not specifically addressed herein, including punitive damages, and attorneys' fees, are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial Claim Filing Fee	= \$ 1,725.00
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**The filing fee is made up of a non-refundable and a refundable portion.*

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, National Securities Corporation is assessed the following:

Member Surcharge	= \$ 2,475.00
Member Process Fee	= \$ 5,075.00

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

One (1) pre-hearing session with the Panel @ \$ 1,300.00/session	= \$ 1,125.00
Pre-hearing conference: December 5, 2016 1 session	

<u>Decision on the papers:</u>	<u>= \$ 300.00</u>
Total Hearing Session Fees	= \$ 1,425.00

The Arbitrator has assessed the \$1,425.00 hearing session fees to Claimant.

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

ARBITRATOR

Karimu F. Hill-Harvey

Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument which is my award.

Arbitrator's Signature



Karimu F. Hill-Harvey
Sole Public Arbitrator

1/25/17

Signature Date

January 30, 2017

Date of Service (For FINRA Office of Dispute Resolution office use only)