

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION, INC.**

CASE: 00-05053

Horwitz & Associates, Inc., claimant vs. Charles B. Leckinger, respondent vs. Horwitz and Associates, Inc., and Joshua Fry.

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**ATTORNEYS:**

For Claimant/Counterclaim Respondent, Horwitz & Associates, Inc., appeared Christopher L. Gallinari, Esq., of the firm Bellows and Bellows, Chicago, IL.

For Respondent/Counterclaim Claimant, Charles B. Leckinger, appeared George S. Robinson, IV, Esq., of the firm Robinson & Associates, P.C., Baltimore, MD.

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DATE FILED: November 14, 2000

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**CASE SUMMARY:** Claimant alleged that respondent failed to repay a debit balance created in his account by his Power of Attorney, Joshua Fry, who placed trades on his behalf.

**COUNTERCLAIM SUMMARY:** Respondent/Counterclaim Claimant, Charles Leckinger, alleged that claimant breached his customer agreement by failing to use due diligence. Respondent/Counterclaim Claimant further alleged that claimant breached the Options Information Agreement by writing uncovered call transactions without his knowledge or authorization. Respondent/Counterclaimant maintained that due to these actions, his account sustained losses.

**THIRD-PARTY CLAIM SUMMARY:** Respondent/Third-Party Claimant, Charles Leckinger, alleged that Third-Party Respondent, Joshua Fry, failed to disclose material facts to him prior to him signing the Power of Attorney.

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**Claim Data**

Claim: \$24,358.90  
• Attorney Fees: Unspecified  
Filing Fees: Unspecified

**Award Data**

Award: \$24,358.90  
Attorney Fees: \$.00  
Filing Fees: \$.00

**Counterclaim Data**

Claim: \$8,000.00  
Attorney Fees: Unspecified  
Filing Fees: Unspecified

**Award Data**

Award: \$.00  
Attorney Fees: \$.00  
Filing Fees: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$24,358.90. 2) All requests for attorney fees are denied. 3) All other relief requests

are denied. 4) The \$1,050.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc.

**COUNTERCLAIM AWARD:** The undersigned arbitrator has decided and determined in full and final resolution the issues submitted for determination as follows: 1) The claims of respondent/counterclaimant are dismissed in their entirety. 2) All requests for attorney fees are denied. 3) All other relief requests are denied. 4) The \$425.00 counterclaim filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:** 1) A third-party claim against Joshua Fry was filed by the respondent on or about January 17, 2001. 2) The third-party claim was withdrawn by the respondent prior to an arbitrator being appointed to this matter.

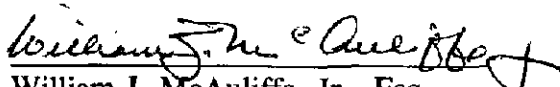
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Award 00-05053

William J. McAuliffe, Jr., Esq.

Sole Public Arbitrator

**AFFIRMATION**

I, William J. McAuliffe, Jr., Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

  
William J. McAuliffe, Jr., Esq.

02/08/02  
Signature Date

February 19, 2002  
Date of Service (For NASD-DR office use only)