

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-02042

Marjorie Lechene, Claimant vs. Allegheny Investments, Ltd., and Gary Bieniasz, Respondents.

ATTORNEYS:

Claimant, Marjorie Lechene, ("Claimant") appeared pro se, Johnstown, PA.

Respondent, Allegheny Investments, Ltd., ("Allegheny"), appeared through its in-house counsel, Robin M. Miller, Esq., Pittsburgh, PA.

Respondent, Gary Bieniasz, ("Bieniasz") appeared pro se, Edgewater, MD.

NATURE OF DISPUTE: Customer vs. Member and Associated Person.

DATE FILED: March 26, 2004.

CASE SUMMARY: Claimant alleged Respondents Allegheny and Bieniasz were negligence and recommended purchases that were unsuitable to her investment objectives. Claimant further alleged that Respondent Allegheny failed to properly supervised its Registered Representative, Bieniasz. Claimant's claim involved Pacific Century Cyberworks Ltd. stock. Claimant maintained that due the actions of Allegheny and Bieniasz she suffered financial losses.

Claim Data

Claim: \$3,916.29
Punitive: Unspecified
Interest: Unspecified

Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$3,916.29
Punitive: \$5,000.00
Interest: 6% per annum from
2-25-00 to date of payment of award.
Filing Fees: \$175.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents, Allegheny and Bieniasz are jointly and severally liable and shall pay to the Claimant \$3,916.29. 2) Respondents, Allegheny and Bieniasz are jointly and severally liable and shall pay to the Claimant punitive damages of \$5,000.00 pursuant to Pennsylvania Unfair Trade Practices and Consumer Protection Law 73 Pa. C.S.s 201-9-2(a). 3) Respondents, Allegheny and Bieniasz are jointly and severally liable and shall pay to the Claimant interest at the rate of 6 percent per annum from February 25, 2000 to date of payment of the award. 4) All other relief requests are denied. 5) The \$175.00 filing fee previously deposited with NASD Dispute Resolution by the Claimant, shall be retained by NASD Dispute Resolution. 6) Respondents, Allegheny and Bieniasz are jointly and severally liable and shall pay to the Claimant \$175.00 as reimbursement of the filing fee.

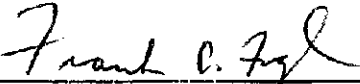
OTHER FEES: Pursuant to Rule 10333 of the Code, Allegheny has paid to NASD Dispute Resolution the \$200.00 Member Surcharge previously invoiced.

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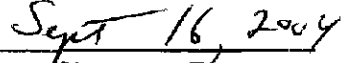
Frank C. Fogl - Sole Public Arbitrator

AFFIRMATION

I, Frank C. Fogl, 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.



Frank C. Fogl, Jr., Esq.



Signature Date

October 8, 2004
Date of Service (For NASD-DR office use only)