

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-03009

Solomon Sandel, Claimant v. S. W. Bach & Company, Francis L. Smookler, Jr., and Christopher F. Veale, Respondents

ATTORNEYS:

For Claimant Solomon Sandel ("Claimant") appeared Karen J. VanIngen, of Brooklyn Law School Legal Services, Brooklyn, NY.

For Respondent S.W. Bach & Company appeared Berton Seltzberg, Esq., S.W. Bach & Company, Port Washington, NY.

Respondent Francis L. Smookler, Jr. appeared *pro se*, Syosset, NY.

Respondent Christopher F. Veale appeared *pro se*, New York, NY.

S.W. Bach & Company, Francis L. Smookler, Jr., and Christopher F. Veale are hereinafter collectively referred to as "Respondents".

NATURE OF DISPUTE: Customer v. Member and Associated Persons.

DATE FILED: April 23, 2004.

CASE SUMMARY: Claimant alleged that Respondents Francis L. Smookler, Jr. and Christopher F. Veale tried to persuade him to sell his sole investment security and purchase a highly speculative security. Claimant refused and Respondents Francis L. Smookler, Jr. and Christopher F. Veale transacted an unauthorized sale of the Claimant's holdings and an unauthorized purchase of another security that was unsuitable and did not meet Claimant's investment objectives. Claimant further alleged that Respondent S.W. Bach & Company failed to supervise its brokers. Claimant maintained that due to Respondents' actions, his account suffered losses. Claimant's claim involved various common stocks.

Claim Data

Claim: \$6,475.00
Interest: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$.00
Interest: \$.00
Filing Fees: \$325.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimant are dismissed in their entirety, with prejudice. 2) All requests for interest are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$325.00 filing fee that the Claimant deposited previously. 5) Respondent S.W. Bach & Company shall pay Claimant \$108.33 as reimbursement of one-third of the filing fee. 6) Respondent Francis L. Smookler, Jr. shall pay Claimant \$108.33 as reimbursement of one-third of the filing fee.

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7) Respondent Christopher F. Veale shall pay Claimant \$108.33 as reimbursement of one-third of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent S.W. Bach & Company has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

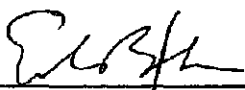
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Ellen R. Buxbaum, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Ellen R. Buxbaum, 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.



Ellen R. Buxbaum, Esq.

12/31/04

Signature Date

January 20, 2005

Date of Service (For NASD-DR office use only)