

In the Matter of the Arbitration Between

Claimant.

vs.

J. W. CHARLES SECURITIES, INC., f/k/a
J. W. CHARLES BUSH SECURITIES, INC.,
and JOHN ALLEN,

Respondents.

Case #87-02272
Award

Joseph L. Caruncho, Esq.
Arnold Sarrow
Steven M. Greenbaum, Esq.

This claim was filed with the NASD, Inc. on November 20, 1987. The hearing was conducted in Fort Lauderdale, Florida on August 30, 1989 and January 30, 1990, with a total of two sessions.

Claimant John Wind ("Wind") alleged that Respondent J. W. Charles Securities, Inc. ("J.W.C.") was negligent in the handling of instituting stop loss orders and the cancellations of such stop orders in Home Shopping Network stock; that their procedures for processing such orders were inadequate; and, that their negligence caused a loss to Claimant. Respondent alleged that it properly handled all stop loss orders, was not negligent and that any losses were the result of market conditions.

Claimant requested damages of \$15,026.50, plus interest from March 19, 1987. Respondent requested dismissal of the claim and costs assessed against Claimant.

On August 30, 1989 and January 30, 1990, the arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on November 11, 1987, and by Respondents J.W.C. and John Allen ("Allen") on March 8, 1988. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the NASD, Inc.

2. Pursuant to the dismissal of Respondent Allen by the Claimant during the hearing on August 30, 1989, Allen shall not be liable to the Claimant and, therefore, all claims against him are hereby dismissed.
3. Respondent J.W.C. is hereby liable and shall pay to Claimant the amount of Seven Thousand and 00/100 (\$7,000.00) Dollars, inclusive of interest.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, the Panel has assessed forum fees in the amount of Eight Hundred and 00/100 (\$800.00) Dollars (two sessions x \$400.00). Claimant is hereby assessed forum fees in the amount of Four Hundred and 00/100 (\$400.00) Dollars for which the National Association of Securities Dealers, Inc. shall retain the Four Hundred and 00/100 (\$400.00) Dollar filing fee previously deposited by the Claimant in full satisfaction thereof. Respondent JWC is hereby assessed forum fees in the amount of Four Hundred and 00/100 (\$400.00) Dollars payable to the NASD, Inc.
5. The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including attorneys' fees.

OTHER ISSUES

The claim in this matter originally sought damages in the amount of Five Thousand and 00/100 (\$5,000.00) Dollars and, accordingly, a single arbitrator heard the claim on August 30, 1989. In post hearing submissions, Claimant requested to amend his claim to in excess of Ten Thousand and 00/100 (\$10,000.00) Dollars; the amendment was granted; and two additional arbitrators were appointed to rehear the entire case.

ARBITRATORS CONCURRING

Joseph L. Caruncho Esq., Arnold Sarrow and Steven M. Greenbaum, Esq.

Received this 5th day of February 1990.