

In the Matter of the Arbitration Between :
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Levco Securities Corporation :
 : AWARD
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Claimant : #88-01163
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vs. :
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Carlton Copp, Jr. :
Marilyn LaChicotte :
 :
Respondents :

In the Matter of the Arbitration Between :
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Levco Securities Corporation :
 :
 : AWARD
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Claimant : #88-01819
 :
vs. :
 :
Dillon Securities, Inc. :
Financial Clearing & Services Corp. :
 :
vs. :
 :
Carlton Copp, Jr. :
Marilyn LaChicotte :
Robert Burnside :
Respondents :

Case Summary

Claimant Levco Securities Corporation ("Levco") seeks a debit balance for the sale of a stock certificate for 50,000 shares of Golden Chest, Inc. which was a forgery. Financial Clearing & Services Corp. ("FICS") bought in the stock and a debit balance of \$15,000.00 was credited in the account. Levco asserts that FICS failed to notify it of the necessary buy in until November 18, 1987 when the transaction had not been effected on June 7, 1987. FICS bought in without permission or discussion thereby preventing Levco from mitigating its damages. Further the buy in was unauthorized inappropriate and excessive. Dillon contends the buy in difference was only \$3,750.00 and the responsibility of FICS. FICS contends Levco is responsible for the buy in and third party claims against Carlton Copp, Jr. ("Copp") and Marilyn LaChicotte ("LaChicotte") for indemnification of any amount it is responsible for. Respondents Copp and LaChicotte contend that one Robert Burnside ("Burnside") who transferred the stock to them be held responsible for the transaction. They also deny the allegations as to them and seek indemnification by Burnside.

Relief Requested

Claimant Levco seeks \$15,000.00. FICS and Dillon seek dismissal. FICS seeks indemnification for any amount it would be liable for from Copp and LaChicotte. Copp and LaChicotte seek indemnification.

Award

On August 31, 1989, the undersigned arbitrators heard on a consolidated basis matters between the parties in 1 session in New York City as set forth in submissions to arbitration signed by Claimant Levco on May 9, 1988, by Respondents Copp and LaChicotte on December 7, 1988 and March 27, 1989, Respondent Dillon on November 16, 1988 and by Respondent FICS on November 17, 1988. These two arbitration proceedings were consolidated for hearing. Claimant Levco did not appear at the hearing, although notice of the hearing was given to last known counsel of record. Robert Burnside also did not appear at the hearing although notice of the hearing and receipt of service of the claims had been acknowledged by counsel.

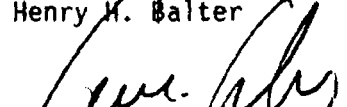
At the hearing Carlton Copp, Jr. and Marilyn LaChicotte first raised the issue of mishandling of the transfer of their account and purchases and sales. This panel acknowledges their request for an accounting. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. All claims by Levco Securities, Inc. against any and all parties are dismissed.
2. The Panel notes the withdrawal of all crossclaims, counterclaims and third party claims for indemnification for amounts due to Levco and dismisses same.
3. Pursuant to Section 16 of the Code of Arbitration Procedure, the Panel leaves Carlton Copp, Jr. and Marilyn LaChicotte to their remedies at law in court or another arbitration.
4. The Panel hereby orders FICS to provide an accounting to Carlton Copp, Jr. and Marilyn LaChicotte of all transactions in their account within 30 days of this award with supporting documentation.
5. The parties shall each bear their respective costs including attorney fees.
6. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$400.00 filing fee previously deposited by the Claimant.

This day September __, 1989


Deborah Sherman


Henry H. Balter


Lewis Silver