

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of Arbitration Between

DAVID G. FEERICK

Claimant

v.

LAURIE BARTACZEWICZ and
PIPER, JAFFRAY and HOPWOOD

Respondents

NASD NO. 88-03063

CASE SUMMARY

In a claim filed with the NASD on September 30, 1988, Claimant, David G. Feerick alleged that he placed an order to sell 20 Jan IBM 165 calls at \$2.00 with Respondent, Laurie Bartaczewicz an employee of Respondent, Piper, Jaffray and Hopwood which was not executed.

Respondents answer that Claimant did not place a sell order with Ms. Bartaczewicz. Respondents contend that the Claimant requested Laurie Bartaczewicz watch the prices of the options.

RELIEF REQUESTED

Claimant, David G. Feerick requests damages in the amount of \$4,000.00 less commissions. Respondents, Laurie Bartaczewicz and Piper, Jaffray and Hopwood request that the Statement of Claim be dismissed.

AWARD

On November 6, 1989, in Chicago, Illinois, during a hearing lasting one session, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed on September 21, 1988 by the Claimant David G. Feerick, on November 25, 1988 by AnnDrea Benson on behalf of Respondents Laurie Bartaczewicz and Piper, Jaffray and Hopwood, Inc.

Respondent Laurie Bartaczewicz did not properly execute a submission to arbitration. However, Respondent Bartaczewicz was required to submit to arbitration pursuant to Section 8 of the NASD Code of Arbitration Procedure and having answered the claim, testified telephonically at the hearing, is bound by the Arbitrator's final determination on all issues submitted.

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, had decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents Laurie Bartaczewicz and Piper, Jaffray and Hopwood are jointly and severally liable for and shall pay to Claimant, David G. Feerick the sum of One Thousand Dollars (\$1,000.00);
2. The parties shall each bear their own costs, expenses and fees incurred in this matter; and
3. Pursuant to Section 43(b) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain as forum fees the \$100.00 filing fee previously deposited with the NASD by the Claimant, David G. Feerick.

PRESIDING ARBITRATOR

Dated: November 14, 1989

S/S Sheldon I. Saitlin
Sheldon I. Saitlin, Esq.

Sheldon I. Saitlin

11/17/89