

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Anthony and Connie Masciantonio,

Claimants

vs.

Charles Schwab & Co., Inc.,

Respondent

}
}
}
} Case #88-03920

} Award
}

CASE SUMMARY

Claimants allege that Respondent failed to properly advise them of the status of their account, that the manager, Jerry Roney, refused to accept their numerous phone calls, that Respondent entered their sell order of Foothill Group securities on the wrong stock exchange and that Respondent improperly liquidated his account without notice to them of the existence of a margin call.

Respondent denies liability and the allegations and admits that the sell order of the Foothill Group securities was entered on the wrong exchange and that this resulted in a loss of \$3,150.00 to the Claimants. Respondent contends that its employees left several messages for the Claimants to contact them in order to discuss their account and that Claimants were given timely notice of the margin call and that Claimants failure to timely return the calls and to satisfy the margin call resulted in the account being liquidated.

RELIEF REQUESTED

Claimants request that the panel award them damages in the amount of \$108,129.52. Respondent request that the panel dismiss the claim

AWARD

On November 28, 1989, the undersigned arbitrators heard the controversy between the parties as set forth in a submission to arbitration signed by Claimants, Anthony and Connie Masciantonio, on December 20, 1988 and by Respondent, Charles Schwab & Co., Inc., on April 11, 1989. The hearing was conducted in Pittsburgh, Pennsylvania and consisted of three sessions. The

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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. Respondent, Charles Schwab & Co., Inc., is hereby liable to the Claimants, Anthony and Connie Masciantonio in the amount of Three Thousand, One Hundred and Fifty Dollars and Zero Cents (\$3,150.00).
2. The parties shall each bear their respective costs including attorneys' fees.
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall refund the \$750.00 filing fee previously deposited by the Claimant and shall assess Respondent, Charles Schwab \$2,250.00 in forum costs which shall be made payable to the NASD.

CONCURRING ARBITRATORS

Jeffrey W. Letwin

Fred W. Bader
Fred W. Bader

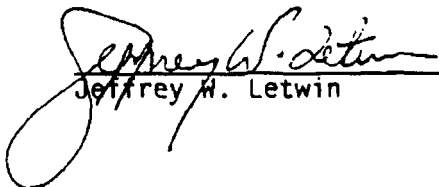
Timothy D. Wasson

December 28, 1989

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