

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between/Among

Michael D. Raymond

Claimant

Case #89-00341  
Award

vs.

Individual's Securities, Ltd.

Carl Lanzisera  
John Janiga and  
Gregory Zelko

Respondents

CASE SUMMARY

Claimant, Michael D. Raymond alleged that Respondent Gregory Zelko without authority purchased 3200 shares of Conversion Industries at 1.6405 for Claimant's account. Claimant maintained that Respondent Zelko failed to execute Claimant's order to liquidate Claimant's position in Trigame. Claimant alleged that Respondent Zelko made materially false and misleading statements to the Claimant in order to induce the Claimant to purchase Conversion Industries that Respondent Zelko and John Janiga both made false representations and assurances to the Claimant. That Respondents placed Claimant into unsuitable investments and that they failed to disclose to the Claimant the risks. Claimant alleged that Respondents Individual's Securities, Ltd. and Carl Lanzisera failed to supervise the activities of their agents.

Respondents Lanzisera maintained that at all times he acted as the president of Individual's Securities and at no time had any personal responsibility to the Claimant. Respondent Lanzisera requested that all claims asserted against him be dismissed as he maintained that he could not be held personally liable for actions of agents for Individual's Securities. Respondent Lanzisera further asserted a counterclaim for attorneys' fees, costs and expenses, and asserted an affirmative defense that Claimant's 10b-5 claims are barred by the statute of limitations. Respondent Individual's Securities maintained that it had offered to correct any disputes regarding Claimant's account without trying to decide who was wrong and had Claimant accepted Respondent Individual Securities offer, the damages suffered by Claimant would have been minimal.

Respondent Zelko and Janiga did not submit answers to Claimant's claim.

1. That all claims asserted against Respondent Zelko are dismissed without prejudice.
2. That Respondent Lazisera motion to dismiss is denied in all respects.
3. That Respondent Individual's Securities, Ltd. is liable to the Claimant and shall pay the Claimant the sum of \$13,590.13; no interest is assessed.
4. That all other claims asserted by Claimant are denied in all respects.
5. That Respondent counterclaim is denied in its entirety.
6. That Respondent Individual's Securities, Ltd. shall pay attorneys' fees to the Claimant in the amount of \$5,000.00 and that pursuant to Section 43 of the Code of Arbitration Procedure, the Respondent Individual's Securities, Ltd. shall pay to the Claimant the sum of \$750.00 to reimburse him for his filing fee previously deposited.
7. All other parties shall each bear their respective costs, including attorneys' fees;
8. All claims for punitive and treble damages are denied in there entirety.
9. Respondent Individual's Securities, Ltd. is assessed forum fees in the amount of \$1,500.00 payable to the National Association of Securities Dealers, Inc. through its staff counsel in accordance with Section 43 of the Code of Arbitration Procedure.

**CONCURRING ARBITRATORS**

/s/  
Stephen M. Leon

/s/  
Arnold L. Goren

/s/  
Lewis Silver

Dated: June 26, 1990