

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Dominic and Jennie Benedis

Claimants

and

R.L. Kotrozo, Inc. and
Sam Giallanza

Respondents

A W A R D
89-00444

CASE SUMMARY

In a claim filed with the NASD on or about February 13, 1989, Claimants Dominic and Jennie Benedis ("the Benedis'") alleged that Respondents Sam Giallanza ("Giallanza") and R.L. Kotrozo, Inc. ("Kotrozo") sold 200 shares of Pillsbury stock on September 30, 1988 and bought Lord Abbott stock on the same day without the Benedis' knowledge or authorization. Additionally, the Benedis' alleged that their Textron stock was not sold on October 10, 1988 when requested.

Kotrozo, Inc. alleged that the transaction was authorized and that the claim is really one of seller's remorse. This remorse was allegedly because Pillsbury was the subject of a takeover which drove the stock price higher. Giallanza denied the claim and stated that he was certain he made the trades with Benedis' permission.

RELIEF REQUESTED

The Benedis' requested damages of \$6,000. Kotrozo, Inc. requested dismissal of the claim with an award of its expenses from Benedis. Giallanza requested dismissal of the claim.

AWARD

On Wednesday, February 14, 1990 in Phoenix, Arizona during a hearing lasting one session, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed on February 8, 1989 by Claimants Dominic and Jennie Benedis, on April 20, 1989 by Respondent Raymond Kotrozo on behalf of Respondent R.L. Kotrozo, Inc. and on September 6, 1989 by Respondent Salvatore J. Giallanza.

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

1. The claim asserted by the Benedis' shall be and is hereby dismissed in its entirety;

2. The parties shall each bear their respective costs and expenses including any attorney's 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 refund the \$200.00 filing fee previously deposited with the NASD by the Claimants Dominic and Jennie Benedis and no forum fees are assessed against any party to this proceeding.

By the Presiding Arbitrator

Dated: March 1 1990

/s/


Presiding Chair