



Arbitration

National Association of
Securities Dealers, Inc.
NASD Financial Center
33 Whitehall Street
New York, New York 10004

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between
Charles Yassky Claimant

vs.

Case: 89-01502

AWARD

Hickey, Kober Inc.
Paul Hickey and
Steven Blankstein

Respondents

CASE SUMMARY

Claimant alleges respondents made unauthorized purchases of Fertilachron Inc. in his account. Respondents Paul Hickey and Hickey Kober Inc. say the purchase was paid for thereby lending doubt as to whether unauthorized; further no complaints were made subsequent to the transactions; and, in conversations with Paul Hickey shortly after the trades no questions were raised regarding authorization.

RELIEF REQUESTED

Claimant originally sought \$15,545.25 with interest from November 14, 1985. The amended complaint sought \$21,111.25 plus interest, which amount should be trebled for a RICO violation, plus \$300,000 punitive damages, together with costs and disbursements. The amended complaint also sought attorneys fees. Hickey Kober Inc. cross claims against Blankstein. Respondents seek dismissal or indemnification from Steven Blankstein.

AWARD

On September 19, October 26 and November 26, 1990, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant on March 20, 1989. The original complaint was filed only against Hickey Kober Inc. and Steven Blankstein. At the first session on September 19, 1990 Mr. Yassky sought to amend the complaint by including Mr. Paul K. Hickey personally who was present at that session. After hearing arguments the chair granted the request that the original complaint be amended to include Paul K. Hickey personally. The chair also granted Mr. Hickey until October 3rd to serve an answer and set down October 26th for the hearing on the merits. On or about October 9, 1990 Dominick J. Porto Esq. filed an answer for Paul K. Hickey.

A Hearing was held on October 26, 1990 where both sides presented evidence. Respondent Blankstein has not appeared other than to file an ostensible answer(Arbitrator's Exhibit 2). There being no other witnesses for the October 26th hearing, the chair sought closing arguments. Mr. Yassky requested an additional hearing date in the event he wanted to produce other witnesses.

Over the strong objection of Mr. Porto (attorney for Mr. Hickey) the chair set an additional hearing date of November 26, 1990. In the interim claimant filed an amended statement of claim and demand for production of documents and request for information which was made part of the record as Arbitrator's Exhibit 4.

At the hearing on November 26, 1990, none of the respondents appeared individually or through counsel. Claimant's newly hired attorney elicited further testimony from Mr. Yassky. There were no other witnesses produced on the November 26, 1990 hearing date.

The chair reserved decision on all matters after, requesting and receiving the equivalent of a closing argument from Mr. Yassky's attorney.

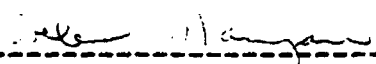
The arbitrator, having considered the pleadings, the testimony and the evidence presented has determined in full and final resolution of the issues submitted for determination as follows:

1. Jurisdiction over Respondent Steven Blankstein is hereby found based upon his registration with the National Association of Securities Dealers, and submission of his answer.
2. Respondents Hickey Kober Inc. and Steven Blankstein be and hereby are jointly and severally liable and shall pay to the claimant \$21,111.25 plus interest at 9% from June 4, 1985 to the date of payment of this award. Respondents Hickey Kober Inc. and Steven Blankstein be and hereby are also jointly and severally liable and shall pay to the claimant \$1000 in attorney's fees.
3. The RICO and punitive damage claims are denied.
4. The cross claim of Hickey Kober against Steven Blankstein is denied.
5. All claims against Paul Hickey personally are denied.

6. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$400 filing fee previously deposited by the Claimant and assess an additional \$800 against respondents Hickey Kober Inc., Paul K. Hickey, and Steven Blankstein jointly and severally as costs of the 3 hearing sessions conducted in this matter in New York City.


Prof. Constantine N. Katsoris

Sworn to before me this
26th day of November, 1990



HELEN MACBANO
Notary Public, State of New York
No. 005540
Qualified in Ulster County
Commission Expires June 15, 1993