

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

National Association of  
Securities Dealers, Inc.  
Suite 1680  
Three First National Plaza  
Chicago, IL 60602  
(312) 899-4440

In the Matter of the Arbitration Between

Name of Claimant(s)

Wilmar Financial Corporation

89-02085

Name of Respondent(s)

North American Investment Corporation  
William Dierauer  
Louis Robo

**CASE SUMMARY**

In a claim filed with the NASD on or about July 24, 1989 Wilmar Financial Corporation ("Claimant") alleged that North American Investment Corporation, William Dierauer and Louis Robo (collectively "Respondents") are liable to Claimant in the amount of \$50,000 due to an unauthorized trade which was executed in Claimant's account by Respondent William Dierauer.

In a Statement of Response submitted by Respondents North American Investment Corporation and Louis Robo, Respondents deny any and all liability to Claimant and assert that: 1) Respondents North American Investment Corporation and Louis Robo had no knowledge of the trade in question; and 2) if such wrongdoing was committed by Respondent William Dierauer, his actions were outside of the scope of control and responsibility of North American Investment Corporation.

In an answer filed by Respondent William Dierauer, such Respondent denied that he made any unauthorized trade for Claimant's account and claims that such trade was authorized by an agent of Claimant.

**RELIEF REQUESTED**

Claimant requested damages in the amount of \$50,002.00, plus accrued interest and expenses relating to this proceeding.

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**AWARD**

On October 18, 1990 in Dallas, Texas during a hearing lasting one session, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on June 6, 1989 by Joe Pipes on behalf of Claimant Wilmar Financial Corporation and on November 29, 1989 by G. Lavigne on behalf of Respondent North American Investment Corporation and on May 23, 1990 by Respondent L. Robo.

The arbitration panel, 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. Respondent Louis Robo is hereby dismissed as a party to this proceeding;

2. Respondent North American Investment Corporation and William Dierauer are hereby liable, jointly and severally, and shall pay to Claimant Wilmar Financial Corporation damages in the amount of Fifty Eight Thousand Eight Hundred Forty One Dollars (\$58,841.00);

3. Claimant shall return to Respondent 10,000 shares of Digital Diagnostic Systems, Inc.

4. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall refund as forum fees, the \$500.00 filing fee previously deposited with the NASD by the Claimant. The \$500.00 filing fee is hereby assessed against the Respondents, jointly and severally, along with \$500.00 in forum fees.

By the Panel

Dated: October 18, 1990	/S/ Arthur H. Geffen, Esq. Presiding Chairman
Dated: October 18, 1990	/S/ Gary L. Horton
Dated: October 18, 1990	/S/ L.E. Machin