

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant(s)

Anatoly Avner

89-02636

Name of Respondent(s)

Stuart James Company, Inc.  
Daniel Form

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CASE SUMMARY

Claimant alleged that Respondents misrepresented securities to him that were highly speculative and executed unauthorized transactions which created losses in his account. Respondents maintained that Claimant specifically requested to speculate in over-the-counter securities, that no false representations were made to the Claimant regarding his investments, and that no unauthorized transactions were executed in Claimant's account.

RELIEF REQUESTED

Claimant requested damages of \$6,926.00 plus interest. Respondents requested that the claim of the Claimant be dismissed.

AWARD

On May 8, 1990 and August 15, 1990 on New York City, the

undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant Anatoly Avner on September 18, 1989, by Respondent The Stuart James Co., Inc. on December 29, 1989, and by Respondent Daniel Ponn on January 15, 1990. The initial Statement of Claim was filed on September 21, 1989. The 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) The claim of the Claimant be and hereby is dismissed in its entirety.

(2) The parties shall each bear their respective costs, including attorneys fees.

(3) Pursuant to Section 43 of the Code of Arbitration Procedure, the NASD, Inc. shall (refund/retain) the \$25.00 filing fee previously deposited by the Claimant and assesses

as costs of the two hearing sessions conducted in this matter.

Arbitrator's Signature

/s/

Peter Wang, Esq.