

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between: :

NEIL T. MOSKOWITZ, M.D. :

CLAIMANT :

V. :

AWARD
#89-02643

INDIVIDUAL'S SECURITIES, LTD. :

GEORGE K. DOUMANIS :

DOMINICK INVESTOR SERVICES :

RESPONDENTS :

ROBERT LEDONE :

MICHAEL PERDIE :

THIRD-PARTY RESPONDENTS :

CASE SUMMARY

The Statement of Claim was filed with the NASD, Inc. on September 21, 1989.

Claimant, Dr. Neil T. Moskowitz alleged that two unauthorized trades were executed in his account at Respondent Firm, Individual's Securities Ltd., ("Individual's"), that he, (Claimant), notified his broker at Individual's, Respondent, George K. Doumanis, who admitted the error but failed to cancel the trades before Individual's ceased operation shortly thereafter. Claimant contended that as a result of Individual's alleged failure to cancel the erroneous trades, Respondent, Dominick Investor Services, the clearing agent for Individual's at the time, proceeded to sell the 500 units of Common Stock and 13,000 warrants of Future Medical Products at a substantial loss causing a debit balance in Claimant's account of \$13,427.70.

Respondent, Cross-Claimant and Third Party Claimant, Individual's Securities Ltd., denied all allegations of wrong doing on its part and denied any responsibility to Claimant. Respondent, Individual's, further asserted a Cross Claim against Respondent George K. Doumanis and Third Party Claims against Robert Ledone and Michael Perdie. Individual's alleged that Robert Ledone, head trader and Michael Perdie, assistant to Mr. Ledone were traders for the stock and warrants in question and are therefore responsible for any losses sustained by Claimant.

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1. Respondent and Counter Claimant, Dominick Investor Services and Respondent, George K. Doumanis have agreed to settle that portion of the Claim and the Counterclaim by the payment by George K. Doumanis to Dominick Investor Services of the sum of Five Thousand Nine Hundred Thirty Six Dollars and Eighty One Cents (\$5,936.81) without interest;
2. The Claimant's Claim and the Counter Claim of Dominick Investor Services are thus reduced to the principal sum of \$7,490.89, exclusive of Claims and Cross Claims for filing fees etc.;
3. As thereby reduced the Claimant's Claim for \$7,490.89 is allowed and Claimant is relieved of the obligation to pay that sum to Dominick Investor Services;
4. Claimant's Claim for costs of this proceeding is hereby denied;
5. Respondent and Counter-Claimant, Dominick Investor Services is awarded the sum of Seven Thousand Four Hundred Ninety Dollars and Eighty Nine Cents (\$7,490.89) on its Cross Claim against Respondents George K. Doumanis and Individual's Securities, Ltd. jointly and severally and without interest;
6. Claimant's Claim against George K. Doumanis and Individual's Securities, Ltd. is in view of the foregoing, rendered moot;
7. The Cross Claims by Individual's Securities, Ltd. against Robert Ledone and Michael Perdie was withdrawn by Individual's Securities, Ltd. with prejudice and without interest during the hearing;
8. The Parties shall each bear their respective costs, including attorneys' fees;
9. Pursuant to Section 43 of the Code of Arbitration Procedure, the NASD, Inc. shall retain the \$400.00 filing fee previously deposited by the Claimant;
10. Pursuant to Section 43 of the Code of Arbitration Procedure, the NASD, Inc. shall retain the \$400.00 filing fee previously deposited by the Counter-Claimant, Dominick Investor Services;

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11. Respondents, Individual's Securities, Ltd. and George K. Doumanis are each assessed forum fees in the amount of \$600.00 payable to the NASD, Inc. through its staff administrator in accordance with Section 43 of the Code of Arbitration Procedure;

12. Claimant, Dr. Neil T. Moskowitz and Respondent and Counter-Claimant, Dominick Investor Services are each assessed forum fees in the amount of \$200.00 payable to the NASD, Inc. through its staff administrator in accordance with Section 43 of the Code of Arbitration Procedure.

ARBITRATORS CONCURRING

/s/

Paul E. Barr
(Industry-Panelist)

DATED BY NASD
FEBRUARY 15, 1991

89-2643

STATE OF *NY*
COUNTY OF *NY*

S.S.:

On this *16th* day of *January*, 19*91*, before me personally appeared Allen Kilik, Esq. known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.

[Signature]

VALERIE I. BAILEY
NOTARY PUBLIC, State of New York
No. 24-6940303
Qualified in Kings County
Commission Expires July 18, 1991

STATE OF *NY*
COUNTY OF *NY*

S.S.:

On this *16th* day of *January*, 19*91*, before me personally appeared Murray I. Sommer, Esq. known and Known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.

[Signature]

VALERIE I. BAILEY
NOTARY PUBLIC, State of New York
No. 24-6940303
Qualified in Kings County
Commission Expires July 18, 1991

STATE OF *NY*
COUNTY OF *NY*

S.S.:

On this *16th* day of *January*, 19*91*, before me personally appeared Paue E. Barr Known and Known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.

[Signature]

VALERIE I. BAILEY
NOTARY PUBLIC, State of New York
No. 24-6940303
Qualified in Kings County
Commission Expires July 18, 1991