

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Richard Hunken

Claimant(s)

vs.

Rosenkrantz, Lyons & Ross,
Phillip Carducci
and Lewco Securities, as agent for
Wetheim Schroder, Inc.

Respondent(s)

NOTICE OF
ARBITRATION
AWARD
89-03124

CASE SUMMARY

Claimant(s) Richard Hunken alleged that Respondent(s) Rosenkranz, Lyons & Ross, Phillip Carducci and Lewco Securities, as agent for Wetheim Schroder, Inc. committed an unauthorized transaction with respect to Claimant's account held with Respondents. Respondent(s) maintain that Rosenkrantz, Lyons & Ross, Inc. and Phillip Carducci deny Claimant's allegations and in addition counterclaims Claimant for an outstanding debit balance of Four Thousand Four Hundred Sixty One Dollars and Sixty Six Cents (\$4,461.66).

RELIEF REQUESTED

Claimant(s) Richard Hunken requested damages of Four Thousand Dollars and No Cents (\$4,000.00). Respondent(s) requested dismissal of claim and costs and counterclaims Claimant for an outstanding debit balance of Four Thousand Four Hundred Sixty One Dollars and Sixty Six Cents (\$4,461.66).

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Scott Sullivan Wallner, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on October 7, 1989 and by Respondent(s) on January 22, 1990, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondent(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

That the claim of the Claimant is dismissed in all respects, and;

That the counterclaim of the Respondent(s) is granted as follows:

- 1) Claimant sells shares of DTI, Inc. as soon as is practicable;
- 2) Subtract proceeds of sale from amount Claimant's money market account was debited, or \$4,000.00;
- 3) The amount found in line #2 is subtracted from Respondent's claim amount;
- 4) The amount found in line #3 is divided by two, and the quotient represents the Respondent's counterclaim award.

The parties shall each bear their respective costs including attorney's fees.

The \$100.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) will be retained by the NASD as costs of this proceeding.

April 2, 1990