

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

James Zima

90-00532

Name of Respondent(s)

Thomas A. Tryhane

Heard before:

Name

Public/Industry

Martin Jay Siegel

Public Arbitrator

Edward T. Hill

Public Arbitrator

Cosimo Petci

Industry Arbitrator

CASE SUMMARY

Claimant, James Zima ("Claimant"), alleged that Respondent, Thomas A. Tryhane ("Respondent") sold his Phontel with authorization but that Claimant alleged Respondent misrepresented the price at which the order was executed. Claimant alleged that Respondent made an unauthorized purchase of Keegan Management Stock in his account. Claimant alleged that Respondent failed to return his phone calls.

Respondent maintained that he properly handled Claimants account in respect to Phontel and Keegan and that Claimant authorized the purchase of Keegan. Respondent further maintained he attempted to return the Claimant's phone calls.

RELIEF REQUESTED

Claimant, James Zima requested damages in the amount of \$3,393.11.

Respondent requested that Claimant's claim be dismissed.

REMARKS

Claimant filed his statement of claim on February 20, 1990. On March 25, 1991, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant on February 15, 1990. Respondent did not execute a submission agreement or submit an

answer, however, he did attend the hearing and fully participated at the hearing. Pursuant to Section 12(a) of the Code of Arbitration Procedure the panel exercised its jurisdiction over Respondent Tryhane. The hearing was held in New York City and consisted of one (1) session. 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. That Respondent is liable and shall pay to the Claimant the sum of Two Thousand Eight Hundred Ninety Three and 11/100 Dollars (\$2,893.11).
2. The parties shall each bear their respective costs, including attorneys' fees.
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$100.00 filing fee previously deposited by the Claimant.

CONCURRING ARBITRATORS

_____/s/_____
Martin Jay Siegel, Esq.

_____/s/_____
Cosimo Patti

_____/s/_____
Edward T. Hill

Date of Decision: March 26, 1991