

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
:
Roland T. Dorl :
:
:
Claimant : **CASE 90-00575**
vs. : **AWARD**
:
:
J. P. Morgan Securities, Inc. :
:
Respondent :

CASE SUMMARY

Claimant alleges Respondent was late in making dividend payments; made errors and mishandled International Depository Receipt transactions. Respondent contends that the threshold jurisdictional requirement is not met in this case as Mr. Dorl did not purchase his IDRs through a brokerage arm of J.P. Morgan Securities, Inc. (an NASD member) nor was he ever a customer of J.P. Morgan Securities, Inc., nor did he ever have any relationship with J.P. Morgan Securities, Inc. They contend that Mr. Dorl's action does not belong in the arbitration forum. Morgan Bank and Robert Schuur were removed as Respondents since they were never members of the NASD and therefore not subject to the jurisdiction of this forum.

RELIEF REQUESTED

Claimant seeks a least \$999.00 in damages. Respondent moves to dismiss for lack of jurisdiction and the proper forum.

AWARD

The undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on March 24, 1990 and by the Respondent on June 15, 1990. In July 1990 the undersigned arbitrator queried the parties on any available proofs relating to whether Roland T. Dorl purchased the IDR's through J.P. Morgan Securities, Inc. or a brokerage arm of J.P. Morgan Securities, Inc.; and whether he received correspondence regarding the method of collecting dividends.

The arbitrator received written submissions pertaining to her questions and the threshold jurisdictional motion and motion to dismiss. The arbitrator also arranged for an oral hearing to take place on September 26, 1990 to accept proofs and testimony on the threshold question of jurisdiction.

On September 25, 1990 Claimant notified the National Association of Securities Dealers, Inc. that he would be unavailable and out of the country for medical reasons on September 26, 1990. He stated that he would accept this arbitrator's decision based upon his written submissions. Respondents chose not to attend the scheduled hearing. Whereof, in consideration of all documents and evidence presented and in full and final resolution of the matters presented:

1. Claims be and hereby are dismissed without prejudice (for lack of proof of jurisdiction) pursuant to Section 16 of the NASD's Code of Arbitration Procedure and the Claimant is free to pursue his available remedies in law or equity.
2. Claimant did not allege and has not established a customer relationship with J.P. Morgan Securities, Inc. Claimant does not allege and has not established any participation in the execution of his securities transactions and the processing and or payment of dividend thereon. Claimant alleges that a corporate affiliation between Respondent and Morgan Guaranty-the entity which executed his transactions is sufficient to confer jurisdiction for arbitration of this dispute. In 1990 the NASD removed Morgan Guaranty as a Respondent. Claimant has not established a sufficient corporate relationship to hold J.P. Morgan Securities, Inc. responsible for the actions of its affiliate.
3. The parties shall each bear their respective costs, including attorney's fees.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$15.00 filing fee previously deposited by the Claimant.

ARBITRATOR SIGNATURE

/s/
Margaret McQueeney

DATED BY THE NASD: October 22, 1990

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Roland T. Dorl

Claimant

and

Morgan Securities Inc.
Morgan Bank (has been removed)
Morgan Bank (has been removed)
Robert Schuur REMOVED

Respondent(s)

OATH OF
ARBITRATOR
90-00575

Having been selected as an arbitrator to consider the matter in controversy between the above-captioned parties, I solemnly swear or affirm that I am not an employer of, employed by, or related by blood or marriage to any of the parties or witnesses whose names have been disclosed to me; that I have no direct or indirect interest in this matter; I know of no existing or past financial, business, professional, family or social relationship which would impair me from performing my duties; and that I will decide the controversy in a fair manner and render a just award.

Margaret McQueeney
Margaret McQueeney

STATE OF New York ss.:
COUNTY OF New York

On this 14th day of September 1990, before me personally appeared Margaret McQueeney to me known and known before me to be the individual described in and who executed the foregoing instrument and she duly acknowledged to me that he executed the same.

Gail Tonick

GAIL TONICK
Notary Public, State of New York
No. 41-9365298 - Queens County
Certificate Filed in N.Y. County
Commission Expires July 31, 1992