

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Donald J. Kunderinger

90-01424

Name of Respondent(s)

National Securities Corp.

Heard before:

Name

Public/Industry

George Speciale _____

Public Chair _____

Marlene Sine _____

Public _____

Duane Rose _____

Industry _____

CASE SUMMARY

This matter was initiated by a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on May 18, 1990.

Claimant alleged that Respondent failed to transfer stock into Claimant's account as requested, and committed conversion of the stock. Respondent alleged that it is not the proper respondent in this action, that National's conduct under the circumstances was the only reasonable course of action it could have followed, that Claimant's claims as to the value of the stocks is vastly inflated, that Kunderinger's claim that he would have sold the shares sooner is purely hindsight and Claimant suffered no damages, and the shares could not be legally sold under the Securities Act of 1933.

RELIEF REQUESTED

Claimant requested an award of \$130,119.37.

Respondent requested that Kunderinger's claims against National be dismissed with prejudice.

AWARD

On March 26, 1991 in Salt Lake City, Utah, during a hearing lasting two sessions, the undersigned arbitrator(s) heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on May 14, 1990 and by Jeffrey J. Pritchard on behalf of Respondent National Securities, Corp. on July 24, 1990.

After considering the pleadings, the testimony, and the evidence presented at the hearing, the arbitrator(s) has/have decided in full and final resolution of the issues submitted for determination as follows:

1. Each and every claim of Kundinger is dismissed.
2. Each and every counterclaim of National Securities, Corporation is dismissed.
3. The parties shall each bear their respective costs including attorneys' fees.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the NASD shall retain the \$750.00 filing fee previously deposited by the Claimant as an assessment of forum fees by the arbitrators. In addition, Claimant Kundinger is also assessed fees of \$750.00 representing forum fees.

Fees are payable to the National Association of Securities Dealers, Inc.

Concurring Arbitrator(s) Signature

George Speciale

Marlene Sine

Duane Rose

Date of Decision: _____