

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between	x
	x
Howard Lee	x
Claimant	x
	x CASE NO.
vs.	x 90-01859
	x
Wellshire Securities, Inc., Walter Sarowie,	x AWARD
and Otra Clearing, Inc.	x
Respondents	x
	x

CASE SUMMARY

Claimant, Howard Lee ("Lee"), alleged that he instructed Respondent Walter Sarowie ("Sarowie"), an employee of Respondent Wellshire Securities, Inc. ("Wellshire"), to sell his 10,600 shares of Treats Enterprises, Inc., and that Sarowie stated he would sell the stock at \$.75 per share. Lee alleged that Sarowie failed to sell the stock at any price, and now the stock is virtually worthless.

Prior to the hearing, Lee entered into a settlement agreement with Respondent Otra Clearing, Inc. ("Otra"), and withdrew with prejudice all claims against Otra.

Wellshire and Sarowie did not answer nor appear in this matter.

RELIEF REQUESTED

Lee requested actual damages of \$7,950.00.

AWARD

On March 19, 1991, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant Howard Lee on June 27, 1990, and not by Respondents Wellshire Securities, Inc. and Walter Sarowie as is required by Section 12 of the NASD's Code of Arbitration Procedure("Code"). The initial claim was filed on July 2, 1990. The hearing was conducted at the offices of the National Association of Securities Dealers, Inc. in New York City, NY, and consisted of one (1) hearing session. The arbitrator having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full

previously deposited by the Claimant as costs of the one (1) hearing session conducted in this matter. Respondent Wellshire Securities, Inc. be and hereby is liable and shall pay to the Claimant Howard Lee the additional sum of Fifty Dollars And No Cents (\$50.00) to offset the filing fee previously deposited by the Claimant.

CONCURRING ARBITRATOR



Joseph J. Arata

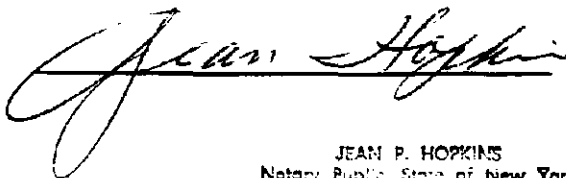
Dated: MARCH 25, 1991

State of: NEW YORK)

County of: NEW YORK)

SS.:

On this 22 day of MARCH, 1991, before me personally appeared Joseph J. Arata known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.



JEAN P. HOPKINS

Notary Public, State of New York
No. 41-4552389
Qualified in Queens County
Certificate filed in New York County
Commission Expires 5-31-91

and final resolution of the issues submitted for determination as follows:

1. In accordance with Section 25 of the Code of Arbitration Procedure, Respondents Wellshire Securities and Walter Sarowie were served with the Statement of Claim and afforded the opportunity to answer; neither respondent answered.
2. In accordance with Sections 21 and 26 of the Code of Arbitration Procedure, Respondents Wellshire Securities and Walter Sarowie were given notice of the time, date and location of the hearing; neither respondent appeared at the hearing nor requested an adjournment thereof.
3. Since all correspondence sent to Walter Sarowie's business address was returned unclaimed, and since no current address existed in the NASD computer files and the Claimant was not able to provide a more current address for Walter Sarowie, the arbitrator determined that there existed no conclusive proof that Respondent Walter Sarowie had due notice of this matter, and therefore dismissed all claims against Walter Sarowie without prejudice.
4. The arbitrator determined, however, that there was conclusive proof that Respondent Wellshire Securities, Inc. had received notice of this matter. Therefore, pursuant to the by-laws of the NASD, it was determined that Wellshire Securities was required to submit to this arbitration. In addition, pursuant to Section 29 of the Code of Arbitration Procedure, the arbitrator determined to proceed with the arbitration of this controversy as if Respondent Wellshire Securities had entered an appearance.
5. Respondent Wellshire Securities, Inc. be and hereby is liable and shall pay to the Claimant Howard Lee the sum of Seven Thousand Nine Hundred Fifty Dollars And No Cents (\$7,950.00), with no interest.
6. The parties each shall bear their respective costs.
7. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$50.00 filing fee