

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
: Louis J. and Mary T. Artioli :
: Claimants :
: vs. : CASE #90-02109
: AWARD
Charles Schwab & Co., Inc. :
: Respondent :

CASE SUMMARY

Pro Se Claimants Louis J. and Mary T. Artioli, in a claim filed with the National Association of Securities Dealers, Inc. on August 1, 1990, alleged that Respondent Charles Schwab & Co., Inc. failed to execute a sell order in their IRA account for 100 shares of General Nutrition Corporation stock. Claimants state that they ordered the sale because of a tender offer that must have been met by August 18, 1989 or the stock would become almost worthless.

Respondent, by its counsel, Richard S. Dangerfield, San Francisco, CA, maintained that they did not receive any instructions either written or oral to tender the 100 shares of GNC in Mr. Artioli's IRA account and that according to the terms of the offer, the 100 shares were converted into 1150 shares of GNC \$0.125 percent senior preferred A stock.

Claimant submitted a reply to the Answer.

RELIEF REQUESTED

Claimants request One Thousand Nine Hundred Eighty-Five Dollars and Eight Cents (\$1,985.08) in damages minus the current value of their GNC shares.

Respondent requests denial of the Claim.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, John N. Chapin, Jr., was selected to review and

determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on July 24, 1990 and by the Respondent on April 9, 1991;

And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. The claims of the Claimants Louis J. and Mary T. Artioli against Respondent Charles Schwab and Co., Inc. be and hereby are dismissed.
2. The parties shall bear their respective costs.
3. The Fifty Dollar (\$50) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc.

AFFIRMATION

I, JOHN N. CHAPIN, JR., do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.


Signature of Arbitrator

DATED: December 3, 1991