

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Abe Shirazi

90-02313

Name of Respondent(s)

Terry Hughes  
Mark Vandusen  
Brice Boucher  
Don Oehmke

REPRESENTATION

Claimant Abe Shirazi was represented by Joel Funk, Esq. of Overton & Associates, P.C. of Englewood, Co.

Respondent Terry Hughes appeared Pro se.

Respondent Mark Van Deusen was represented by Jeffrey Thurnau, Esq. of Willy, Stansfield & O'Donnell, of Denver, Co.

CASE SUMMARY

In a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on or about August 21, 1990, Abe Shirazi ("Claimant") alleged that Terry Hughes ("Hughes"), Mark Van Deusen ("Van Deusen"), Brice Boucher ("Boucher") and Don Oehmke ("Oehmke") failed to execute the order to sell 10,000 shares of Hartsoft, Inc. Claimant alleged that he ordered the shares sold at a price of \$1.00 per share.

In his Answer filed with the NASD on or about November 30, 1990, Respondent Hughes stated that Claimant was an experienced, sophisticated investor interested in making speculative investments. Hughes further stated that Claimant placed the sell order on July 9, 1990 at a time when the stock was selling at \$.85 per share. Hughes stated that the order ticket was written and given to Respondent Van Deusen. Respondent Hughes also stated that subsequent to his being informed that the trade had been executed he was informed that the trade was entered in the wrong account. Hughes stated that he informed Claimant of the situation and that the matter would be straightened out.

In his Answer filed with the NASD on or about October 25, 1990, Respondent Van Deusen stated that the order to sell was entered and executed at \$.85.

5. Each party shall bear its own costs and expenses including attorneys fees; and

6. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the hearing session deposit in the amount of \$200.00 previously deposited with the NASD by the Claimant. Respondent Don Cehmke shall pay to the NASD the sum of \$200.00 as forum fees and shall reimburse the Claimant in the amount of \$200.00.

Dated: May 23, 1991

Edward O'Keefe, Esq.  
Presiding Chair  
Public Arbitrator

Date Served: June 4, 1991