

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant(s)

Burke, Christensen & Lewis Securities, Inc.

Name of Respondent(s)

Thomas William Stevenson

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REPRESENTATION

For Claimant: Burke, Christensen and Lewis Securities, Inc. was represented by James J. Moylan, Esq. of James J. Moylan & Associates, Ltd., Chicago, Illinois.

For Respondent: Thomas William Stevenson did not appear.

CASE INFORMATION

Statement of Claim filed: September 28, 1990

Claimant's Submission Agreement signed on: September 24, 1990 by Thomas E. Burke

Motion for Change of Situs filed: May 9, 1991

Respondent Thomas William Stevenson did not file with the NASD a properly executed Submission Agreement, but having executed a written agreement to arbitrate any controversy arising out of his relationship with Claimant, is required to submit to arbitration pursuant to Section 12 of the NASD Code of Arbitration Procedure.

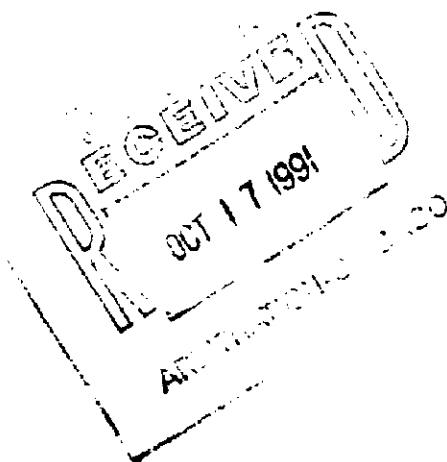
HEARING INFORMATION

Hearing Date/Sessions: October 8, 1991 for one (1) session

Hearing Location: Chicago, Illinois

CASE SUMMARY

Claimant Burke, Christensen and Lewis Securities, Inc. ("BCL") alleged that



90-02720

Respondent Thomas William Stevenson ("Stevenson") failed to cover a debit balance incurred when BCL was forced to liquidate Stevenson's account. As alleged in the Statement of Claim, Stevenson maintained a brokerage account at BCL through its Chicago office and signed a customer margin agreement on June 10, 1990. On or about June 27, 1990, Stevenson entered an order to buy 2500 shares of AT&T which was executed on that date at 38 7/8. The trade resulted in a charge to Stevenson's account in the amount of \$97,462.50. From June 27, 1990 through July 11, 1990, payment was requested of Stevenson who promised to pay, but failed to do so. On July 12, 1990, BCL was forced to liquidate the account, which realized \$93,162.50, resulting in a debit balance of \$4,494.24. BCL's demands for payment were ignored by Stevenson.

Respondent Stevenson did not file a Statement of Answer or appear at the hearing. Upon review of the file and the representations made by the Claimant, the arbitrator determined that Stevenson had been properly served with the Statement of Claim pursuant to Sections 13 and 25 of the NASD Code of Arbitration Procedure. Furthermore, the Arbitrator determined that Stevenson had received due notice of the hearing as required in Section 26 of the Code and that arbitration of the controversy would proceed pursuant to Section 29 of the Code of Arbitration Procedure.

The hearing situs was originally determined by the Director of Arbitration to be Dallas, Texas. BCL filed a motion to change situs to Chicago, Illinois on May 9, 1991 which was granted by a duly appointed Dallas arbitrator in August of 1991.

#### RELIEF REQUESTED

Claimant requested entry of an award against Respondent in the sum of \$4,494.24 plus interest, filing fees, costs and reasonable attorneys' fees as provided in the Customer Agreement.

#### AWARD

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

1. Respondent Thomas William Stevenson is liable for and shall pay to Claimant Burke, Christensen and Lewis Securities, Inc. the sum of \$5,287.15 plus interest at the rate of 9% per annum from the date Respondent is served with the award until the full amount of the award is paid;
2. In addition, Respondent Thomas William Stevenson is liable for and shall pay to Claimant Burke, Christensen and Lewis Securities, Inc. the sum of \$1,562.25 as attorneys' fees and expenses. In making this award of attorneys' fees to Claimant, the arbitrator considered the account agreement executed by the Respondent on June 10, 1990 (Claimant's Exhibit #1) and the paragraph on Page 3 entitled "Cost of Collection" and determined that the contractual authority existed for the awarding of attorneys' fees to the Claimant.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following Forum Fees are assessed.

The National Association of Securities Dealers, Inc. shall retain the \$500.00 claim filing fee and the \$300.00 hearing session deposit previously deposited by the Claimant Burke, Christensen and Lewis Securities, Inc. Respondent Thomas William Stevenson is liable for and shall pay to Claimant Burke, Christensen and Lewis Securities, Inc. the sum of \$800.00 as reimbursement of the fees paid by the Claimant.

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

BY THE ARBITRATOR

Arbitrator's Signature

Dated:

Jacques F. Heilingoetter, Jr.  
Jacques F. Heilingoetter, Jr., Esq.  
Public Arbitrator

10/11/91