

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between)

Name of Claimant(s))

Douglas & Denise DeRocker)

Name of Respondent(s))

Charles Schwab & Company, Inc.)

Case No. 90-02817

REPRESENTATION

Claimants, Douglas R. and Denise L. DeRocker ("the DeRockers"): were pro se.

For Respondent, Charles Schwab & Co., Inc. ("Schwab"): Walter Schieman of Charles Schwab.

CASE INFORMATION

Statement of Claim filed: October 9, 1990.

Claimants' Submission Agreement signed: on August 11, 1990.

Respondent's Statement of Answer filed on January 22, 1991.

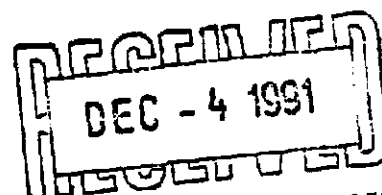
Respondent's Submission Agreement signed by Mark Sorensen on January 8, 1991.

HEARING INFORMATION

On September 27, 1991, in Tampa, Florida, a hearing lasting one session was conducted.

CASE SUMMARY

Claimants, alleged that Respondent was liable in that Respondent's broker rendered unsolicited and inaccurate advice. Claimants alleged that they placed an order for certain stock to be sold at the current bid price and the broker suggested placing the order at an amount below the current bid price to insure that the entire order would be executed and assured Claimants that the order would be executed at the current bid price unless the bid price was independently lowered. Claimants alleged that the broker failed to inform them that only the first 100 shares sold could be guaranteed at the bid price and that the balance of the order is sold at a negotiated price between Respondent's trader and their market maker and had Claimants known this they would not have placed the order at the lower amount.



Respondent denied all allegations of wrongdoing and alleged that: Claimants were not provided with any advice or guarantees; since Claimants' order represented over half that day's volume of the stock, the broker merely informed Claimants that such an order would act to depress the price of the stock and, if Claimants wanted to sell their entire position on that day, they might consider a lower limit price; and, no broker would guarantee an execution price.

RELIEF REQUESTED

Claimants requested damages in the amount of \$2,000.00 plus interest.

Respondent requested dismissal of the claim.

OTHER ISSUES CONSIDERED & DECIDED

None.

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, Schwab, is found liable and shall pay to the Claimants the amount of \$2,000.00, plus interest at the legal rate of 12% per annum in the amount of \$960.00 for a total due to the Claimants of \$2,960.00.

OTHER COSTS

1. The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

FORUM FEES

1. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Arbitrator has assessed forum fees in the amount of \$25.00 (one session x \$25.00 per session). Respondent, Schwab, is hereby assessed \$25.00 payable directly to the Claimants. The National Association of Securities Dealers, Inc. shall retain the \$25.00 session deposit and the \$25.00 non-refundable filing fee previously deposited by Claimants in full satisfaction of such fees.

Arbitrator's Signature

Name

Public/Industry

Henry Sanchez, Jr.
Henry Sanchez, Jr. Esq.

Public

Date of Decision: Nov. 29, 1991