

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
: Milton Tone :
: :
: Claimant :
: :
vs. :
: :
First Union Brokerage Services, Inc. :
Alan Levin :
: :
: Respondents :

CASE #90-03030
AWARD

CASE SUMMARY

Pro Se Claimant Milton Tone, in a claim filed with the National Association of Securities Dealers, Inc. on October 29, 1990, alleged that Respondents charged him an excessive commission for the purchase of a Texas Utilities Electric Co. bond said commission not being disclosed at the time of purchase. He continues that Respondents failed to disclose that the bond was Five Hundred Dollars and No Cents (\$500.00) less than the purchase price. He continues that Richard Maybee, Sr. V.P. of First Union Brokerage Services, Inc. was hostile and abusive toward him.

Respondents, in a joint Answer filed by Michael E. Poston, Compliance Director, maintained that the mark-up on the bonds in question were in accordance with internal policy and industry practice equalling less than three percent (3%). They continue that the bonds in question were described to Claimant as over the counter bonds with investment grade rating and that Mr. Tone then placed the purchase order.

RELIEF REQUEST

Claimant requests that upon surrender of the bond, Respondents reimburse him in the amount of Ten Thousand Dollars and No Cents (\$10,000.00).

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Harold Alenick, was selected to review and Page

determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on October 19, 1990 and by the Respondent, First Union Brokerage Services, Inc., on February 15, 1991 but not by Alan Levin as required by Section 13(d) of the Code of Arbitration Procedure.

And, that 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. That the Claim of Milton Tone be, and hereby is, dismissed in its entirety.
2. The Thirty Dollars and No Cents (\$30.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, HAROLD ALENICK, 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: 8/20/91