

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Dean Witter Reynolds, Inc.

Claimant

vs.

Gene Marrotte

Respondent

**CASE #90-03049**  
**AWARD**

### CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on October 30, 1990, claimant, Dean Witter Reynolds, Inc., by and through its attorney Dominick J. Dorata, Esq., New York, NY, alleged that Respondent Gene Marrotte deposited two insufficient checks into his account to cover transactions and one check which was returned because the bank account was closed. Claimant further alleged that although the respondent deposited checks totalling \$2,000, a debit balance remained unpaid in his account.

Respondent Gene Marrotte did not file a Statement of Answer to the claimant's Statement of Claim.

RELIEF REQUESTED

Claimant Dean Witter Reynolds, Inc. requested \$3,253.40 plus interest and costs.

The Respondent, Gene Marrotte, did not file a Statement of Answer to the Statement of Claim.

**AWARD**

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Dorothy F. Gray, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on October 12, 1991 and not by the Respondent as required by Section 13 of the

National Association of Securities Dealers, Inc. Code of Arbitration Procedure and pursuant to the Option Client Agreement signed by the Respondent Gene Marrotte and the Claimant Dean Witter Reynolds, Inc.


1. In accordance with Section 13 of the NASD Code of Arbitration Procedure the respondent, Gene Marrotte, was served by Regular Mail on November 27, 1990 and given an opportunity to respond, which he failed to do. This package was not returned by the post office. The Respondent was served a notice of his overdue answer on August 5, 1991 via Certified Mail. Although the return of the "return receipt" reflected effective service, respondent, Gene Marrotte, failed to file an answer to the Statement of Claim.
2. Pursuant to the By-laws of the NASD the arbitrator determined that respondent Gene Marrotte was required to submit to this arbitration proceeding and is therefore bound by the arbitrator's ruling and determination.

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 Respondent Gene Marrotte is liable and shall pay \$3,253.40 to the Claimant Dean Witter Reynolds, Inc. plus interest at 9% from September 30, 1988 to the date of the payment of this award.
2. The parties shall bear their respective costs.
3. The \$575 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. The Respondent Gene Marrotte shall pay \$575 to Claimant Dean Witter Reynolds, Inc. as reimbursement.

AFFIRMATION

I, DOROTHY F. GRAY, 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.

  
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Signature of Arbitrator

DATE OF DECISION: December 16, 1991