

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :

PaineWebber, Inc. :

Claimant :

vs. :

David Block :

Respondent :

CASE #90-03065
AWARD

CASE SUMMARY

PaineWebber, Inc. by its counsel, Patrick J. Howley, Esq., in a claim filed with the National Association of Securities Dealers, Inc. on October 30, 1990, alleged that Respondent, David Block, has failed to rectify the debit balance in his customer account. Claimant states that said debit was created when the customer did not deliver Six Thousand Eight Hundred Three (6,803) shares of Chi Chi's, Inc. stock before the settlement date.

Respondent, David Block failed to respond to the original service of the Statement of Claim sent to him on December 4, 1990. On April 29, 1991, he was informed by certified mail that his answer had not been received. A signed, returned certified mail green card was received by the NASD, Inc. dated May 5, 1991. The Statement of Claim was re-served on Mr. Block by certified mail on June 13, 1991. Service was effected on Respondent David Block as evidenced by a signed certified mail green card dated June 15, 1991. Mr. Block did not respond to the Statement of Claim.

RELIEF REQUESTED

Claimant requests damages of Three Thousand Six Hundred Sixty-One Dollars and Nine Cents (\$3,661.09) plus interest from the date the debit was incurred and costs of these proceedings.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Arthur Dewsberry, was selected to review and determine the matter in controversy between the parties set forth

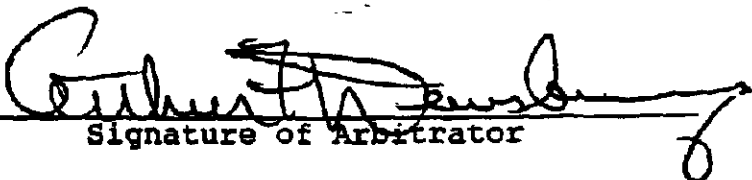
to Arbitration signed by the Claimant on October 24, 1990 and not by the Respondent as required by his customer agreement dated May 19, 1986 and by Section 12(a) and 13(d) of the Code of Arbitration Procedure.

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 Respondent, David Block, is liable and shall pay to the Claimant, PaineWebber, Inc., the sum of Three Thousand Six Hundred Sixty-One Dollars and Nine Cents (\$3,661.09).
2. That the Respondent is liable and shall pay to the Claimant interest on said Three Thousand Six Hundred Sixty-One Dollars and Nine Cents (\$3,661.09) at the rate of ten percent (10%) from June 18, 1988 to the date of this award.
3. The Five Hundred Seventy-Five Dollars and No Cents (\$575.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. and is assessed against the Respondent, David Block, who shall pay Five Hundred Seventy-Five Dollars and No Cents to Claimant, PaineWebber, Inc.

AFFIRMATION

I, ARTHUR DEWSBERRY, 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:

August 15, 1991