
In the Matter of the Arbitration BetweenName of Claimant

PaineWebber, Inc.

vs.

Case #
90-03154Name of Respondent

Dezsoe Halmi

REPRESENTATION

For Claimant: Valaree M. Moodie, Esq., in-house counsel.

For Respondent: Respondent did not put in an appearance.

CASE INFORMATION

Statement of Claim filed: November 05, 1990.

Claimant's Submission Agreement signed on: November 01, 1990.

Respondent, Dezsoe Halmi, did not file a Statement of Answer or sign a Submission Agreement.

HEARING INFORMATION

Hearing Date/Session: November 06, 1991 - One session.

Hearing Location: Boston, Massachusetts

CASE SUMMARY

Claimant alleges that Respondent purchased securities such as Atari Corp., Kinder Care, Inc., Live Entertainment, Inc. and Beverly Enterprises, in his margin account and failed to send sufficient funds to cover the decline in price of the securities purchased. Claimant further alleges that PaineWebber, Inc. was forced to liquidate the positions in Respondent's account which caused a debit balance of \$11,295.85. Claimant contends that despite numerous attempts to resolve the matter, Respondent has refused to pay the debit.

RELIEF REQUESTED

Claimant requests that this arbitrator award PaineWebber, Inc. \$12,742.43 which includes interest as of August, 1991, interest, a return of the filing fees, cost of airfare to the hearing location of \$578.00 and attorney's fees.

OTHER ISSUES CONSIDERED & DECIDED

Respondent did not file an answer or appear at the hearing to defend the claims asserted against him. Based upon the evidence, which included certified receipt of mailing and receipt of Service, that was admitted into evidence, this arbitrator finds that there is jurisdiction over Respondent in light of the fact that he signed the client agreement. Pursuant to Section 25 of the Code of Arbitration Procedure, Respondent was served and in accordance with Section 29 of the Code, this arbitrator proceeded with the hearing after waiting twenty-five minutes for Respondent to appear.

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, Dezsoe Halmi, is hereby liable to the Claimant and shall pay Claimant Twelve Thousand Seven Hundred and Forty Two Dollars and Forty Three Cents (\$12,742.43) in damages;
2. Respondent, Halmi, is further liable and shall pay Claimant Five Hundred and Seventy Eight Dollars and Zero Cent for costs of the airfare for Claimant's counsel and witness;
3. The claim for attorney's fees is denied.

FORUM FEES

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

1. The NASD has received and shall retain the \$500.00 non-refundable filing fee previously paid by the Claimant;
2. The NASD has received and shall retain the \$600.00 hearing session deposit previously paid by the Claimant;
3. Respondent, Dezsoe Halmi, is assessed \$500.00 non-refundable filing fee;

4. Respondent, Dezsoe Halmi, is further assessed \$600.00 for one hearing session at \$600.00 per session;

5. Respondent shall satisfy this assessment by reimbursing Claimant \$1100.00.

Arbitrator's Signature

John B. Kinsellagh
John B. Kinsellagh

Public
Sole Arbitrator

Date of Decision:

DATED BY NASD
NOVEMBER 25, 1991