

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Henri Bour

Claimant

vs.

Robert Catoggio and Carl Lanzisera  
Respondents

vs.

Mark Ross, Sr. and Mark Ross, Jr.  
Third Party Respondents

Case #90-03239  
AWARD

CASE SUMMARY -

Henri Bour, Pro Se, in a claim filed with the National Association of Securities Dealers, Inc. on November 16, 1990, alleged that Respondent Robert Catoggio, a registered representative at Individual Securities, Carl Lanzisera, President, executed three unauthorized transactions in his account; said trades being the purchase of nine hundred units of CAMOGEN, INC., the sale of three thousand shares of CONVERSION INDUSTRIES, LTD., and the sale of nine hundred units of CAMOGEN, INC.

Respondent, Robert Catoggio, represented by Darren Lampert, Esq., New York, NY, denies all allegations of misrepresentation, unsuitable investment recommendations, unauthorized trading and alleges that losses, if any, were the result of Claimant's own conduct. He states upon information and belief that Conversion Industry Common Stock has held a reverse split and, therefore, Claimant has not sustained a loss.

Respondent, Carl Lanzisera, Pro Se, maintains that any responsibility found should be the full responsibility of Mark Ross, Sr. and Mark Ross, Jr. as principals, managers and traders in over-the-counter securities. Mr. Lanzisera brings third party indemnification claims against Mark Ross, Sr. and Mark Ross, Jr.

Mark Ross, Sr., Pro Se, maintained that Mr. Lanzisera was in complete supervisory control of Mr. Catoggio's office and trades. He states that the third party claims against him and his son, are ridiculous and malicious.

Mark Ross, Jr., Pro Se, states that he has no knowledge of the of the Claimant, was not responsible for supervising OTC trading and that Mr. Lanzisera was the largest shareholder in the company with the responsibility of reviewing all trades.

Carl Lanzisera filed a more complete Statement of Answer and requested a waiver of his third party claim fees.

RELIEF REQUESTED

Claimant requests reinstatement of three thousand shares of Conversion Industries stock to be adjusted in the event of a stock split since June 7, 1988 which is expected to equal Seven Thousand Eight Hundred Seventy Five Dollars and No Cents (\$7,875.00) and a refund of the Two Hundred Seventy Five Dollars (\$275.00) NASD, Inc. arbitration fees.

Carl Lanzisera requests that any damages be assessed against Mark Ross, Sr. and Mark Ross, Jr. He also requests a complete waiver of the third party claim fees. .

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Mark E. Feierstein, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on November 13, 1990 and by the Respondent Robert Catoggio on January 10, 1991 and Mark Ross, Sr. on April 18, 1991 but not by Carl Lanzisera and Mark Ross, Jr. 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 Henri Bour be, and hereby is, dismissed in its entirety.
2. That Carl Lanzisera's Third Party Claims be, and hereby are, denied.
3. That Carl Lanzisera's request for a full waiver of the NASD third party claim fees, be and hereby is, granted.
4. The Two Hundred and Seventy Five Dollar (\$275.00) 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 equally against the Respondents Robert Catoggio and Carl Lanzisera who shall each pay One Hundred Thirty Seven Dollars and Fifty Cents (\$137.50) to the Claimant.

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**AFFIRMATION**

I, **MARK E. FEIERSTEIN, ESQ.**, 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.

Mark E. Feuerstein  
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Signature of Arbitrator

DATED: JULY 14, 1991