

**PUBLIC**

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between :  
: Melvin E. Heins :  
: Claimant :  
: vs. :  
: First Interstate Discount Brokerage, Inc. :  
: Respondent :  
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CASE #91-00102  
AWARD

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on February 26, 1991, Claimant, Melvin E. Heins, who appeared Pro Se, alleged that Respondent First Interstate Discount Brokerage, Inc. transferred his account to Fidelity Investments without his knowledge or authorization and that he received no compensation for the disposition of the account and therefore is entitled to damages.

Respondent, First Interstate Discount Brokerage, Inc., through it's counsel, Gregory D. May of Decker, Hardt, et al., Dallas, TX, maintained that on September 14, 1990 they sold all of its customer brokerage accounts to Fidelity Brokerage Services, Inc., including the Claimant's account, and that this transfer was without cost to the Claimant. The Respondent further maintained that the Claimant had no right to prior notice or consent, since the account itself was the property of First Interstate, and therefore, the Claimant is not entitled to compensation from such sale.

RELIEF REQUESTED

Claimant, Melvin E. Heins requested \$10,000.00 in actual damages.

Respondent, First Interstate Discount Brokerage, Inc. requested the claims of the Claimant be dismissed and that it be awarded costs and attorney's fees.

AWARD

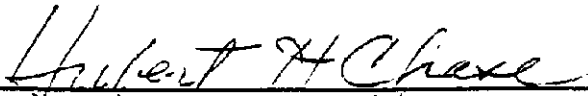
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Hubert H. Chase, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on December 13, 1990 and by the Respondent on December 10, 1991.

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 claims of the Claimant, Melvin E. Heins against Respondent, First Interstate Discount Brokerage, Inc. are dismissed in their entirety.
2. The parties shall bear their respective costs and attorney's fees.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, HUBERT H. CHASE, 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.

  
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Signature of Arbitrator

DATE OF DECISION: April 10, 1992