

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
: Haeng S. and Cindy S. Ko :
: Claimants :
vs. : CASE #91-00133
: AWARD
: T. Geimer Securities :
: Bob Furman :
Respondents :

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on January 11, 1991, Claimants, Haeng S. and Cindy S. Ko, who appeared Pro Se, alleged that through Respondent Bob Furman they purchased 20,000 shares of Hydro Seek, Inc. stock in their account held with Respondent, T. Geimer Securities. Claimants further alleged that when Respondents transferred their account to Securities Settlement Corporation the stock they held was not transferred, instead 20,000 shares of Horn Silver Mines, Inc. stock were received into their account. Claimants contended that they notified Respondents of the erroneous error and were assured it would be rectified. Claimants further contended that Respondents have failed to rectify their error, thus creating a loss to Claimants.

Respondent, Bob Furman, who appeared Pro Se, maintained that Claimants, Haeng S. and Cindy S. Ko purchased 20,000 shares of Hydro Seek, Inc. stock through him when he was employed as a broker with Respondent, T. Geimer Securities. Respondent, Bob Furman further maintained that Claimant's stock was lost when Respondent, T. Geimer Securities; due to problems with it's clearing broker; turned into a branch office of National Securities Network of Boulder, Colorado (Securities Settlement Corporation). Respondent, Bob Furman contended that when Respondent, T. Geimer Securities transferred Claimant's account to Securities Settlement Corporation, the 20,000 Hydro Seek, Inc. stock were received into Claimant's new account as 20,000 Horn Silver Mines, Inc. stock. Respondent, Bob Furman further contended that when Claimants informed him of the error in their account, a major effort was made to rectify the problem until Respondent, Bob Furman felt Claimants only recourse was to file a claim against Respondent, T. Geimer

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Securities. Respondent, Bob Furman argued that Claimants are entitled to their 20,000 shares of Hydro Seek, Inc. and Claimants lost their stock because of the failure of the clearing firms used by Respondent, T. Geimer Securities, therefore, Respondent, T. Geimer Securities is responsible.

Respondent, T. Geimer Securities failed to file an Answer to the Statement of Claim.

RELIEF REQUESTED

Claimants, Haeng S. and Cindy S. Ko requested \$3,900.00 in actual damages.

Respondent, Bob Furman requested the claim be dismissed.

Respondent, T. Geimer Securities failed to file an 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, Lydia O. Bishop, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on November 10, 1989, by the Respondent Bob Furman on July 2, 1991 and not by Respondent, T. Geimer Securities as required by Section 12 & 13 of the NASD Code of Arbitration Procedure.

1. In accordance with Section 13 of the NASD Code of Arbitration Procedure the Respondent, T. Geimer Securities was served a copy of the Statement of Claim by regular mail on May 29, 1991 and given an opportunity to respond, which they failed to do. Respondent, T. Geimer Securities was notified on November 13, 1991, via certified mail, of the name of the selected arbitrator, pursuant to Section 22 of the NASD, Inc. Code of Arbitration Procedure. Respondent, T. Geimer Securities failed to file an Answer to the Statement of Claim.
2. Pursuant to the By-Laws of the NASD the arbitrator determined that Respondent, T. Geimer Securities was required to submit to this arbitration proceeding and is, therefore, bound by the arbitrator's ruling and determination.

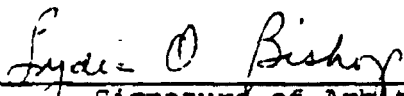
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And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Respondent, T. Geimer Securities is liable and shall pay to the Claimants, Haeng S. and Cindy S. Ko the sum of \$3,900.00 in damages.
2. The claims of Claimants, Haeng S. and Cindy S. Ko against Respondent, Bob Furman are dismissed.
3. The parties shall bear their respective costs.
4. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants, Haeng S. and Cindy S. Ko shall be retained by the NASD, Inc. Respondent, T. Geimer Securities shall pay to the Claimant the sum of \$125.00 as reimbursement.

AFFIRMATION

I, **LYDIA O. BISHOP**, 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

DATE OF DECISION: March 26, 1992

REGINA A. MATTHARI
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JULY 27, 1994