

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between
Robert J. Nilsen
vs.
Fidelity Brokerage Services, Inc.
Claimant
Respondent

CASE #97-00136

AWARDS

91-00136

CASE SUMMARY

Pro Se Claimant, Robert J. Nilsen, in a claim filed with the National Association of Securities Dealers, Inc. on January 11, 1991, alleged that Respondent Fidelity Brokerage Services, Inc. executed an unauthorized trade in his account by purchasing three hundred shares of Oracle Systems common stock without giving him the opportunity to choose between closing out the option position or buying the underlying security. He states that Respondent's agents, Curtis Sherwood and Joel Bunis, provided him with incorrect information regarding the status of his account.

Respondent, Fidelity Brokerage Services, Inc. by its attorney, Jeffrey R. Larsen, Boston, MA, maintained that Claimant's short position in 3 Oracle Oct. 15 puts was assigned to him on September 14, 1990, thus requiring the purchase of the 300 shares of Oracle common stock. Respondent states that the assignment was in accordance with Fidelity's random allocation method of option assignments and that such a resulting transaction is an inherent characteristic of the option contract.

RELIEF REQUESTED

Claimant requests rescission of the trade in question, relief from the margin interest and costs of this arbitration.

Respondent requests dismissal of the Claim.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single

Public Arbitrator, Peter Wang, 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 January 4, 1991 and by the Respondent on June 7, 1991;

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 Robert J. Nilsen be, and hereby is, dismissed in its entirety.
2. The One Hundred Twenty-Five Dollars and No Cents (\$125.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, PETER WANG, 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.



Signature of Arbitrator

DATED: September 20, 1991