

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Edward Kozinn

Claimant

vs.

Gerald D. Harvey

Respondent

Case #91-00194
Award

CASE SUMMARY

Edward Kozinn, Pro Se Claimant, in a claim filed with the National Association of Securities Dealers, Inc. on January 17, 1991, alleged that Respondent Gerald D. Harvey, while employed as a broker at Stuart-James Company in Darien, CT, failed to execute his sell order when the value of his six hundred shares of Command Security stock dropped below a total value of six thousand dollars.

Respondent, Gerald D. Harvey, has failed to respond to the Statement of Claim. On March 12, 1991, Mr. Harvey, by a telephone call to Mary Barto, Senior Legal Assistant at the NASD, Inc., New York, NY, requested that he be re-served with a copy of the Statement of Claim for the above captioned arbitration. Mr. Harvey was re-served with the Claim on March 22, 1991. Service was effected on March 30, 1991 as evidenced by the signed, dated return of a certified mail green card. Subsequent mailings of additional information sent to Gerald D. Harvey at One Park Circle, Milford, CT, were returned as "unclaimed". The same mailings when sent by regular mail were not returned.

RELIEF REQUESTED

Claimant requests damages of Six Thousand Dollars and No Cents (\$6,000.00) less the proceeds of the sale of the six hundred shares of Command Security stock.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Arnold O. Flicker, 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 14, 1991 and not by the Respondent 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 Respondent, Gerald D. Harvey, is liable and shall pay to the Claimant, Edward Kozinn, the sum of Four Thousand Dollars and No Cents (\$4000.00).
2. The Fifty Dollar (\$50.00) 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 against the Respondent and payable by the Respondent to the Claimant.

AFFIRMATION

I, ARNOLD O. FLICKER, 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.

Arnold O. Flicker

Signature of Arbitrator

DATED: June 19, 1991