

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :

Michael R. Lackner :

Claimant :

vs. :

Gruntal & Co., Inc. :

Respondent :

CASE #91-00305
AWARD

CASE SUMMARY

Pro Se Claimant Michael R. Lackner, in a claim filed with the National Association of Securities Dealers, Inc. on January 29, 1991, alleged that Respondent Gruntal & Co., Inc. failed to properly credit his account with interest from 1981-1988 on his Ciba-Geigy securities. He further alleges that Respondent owes him interest or that he should be reimbursed for interest collected on the margin debit in his account for the cumulative sums of principal and interest. He further requests treble damages for gross negligence and/or fraud for misrepresentation.

Respondent, Gruntal & Co., Inc. by its attorney Katherine Nathan, New York, NY, denies any misconduct in handling Claimant's account. Gruntal & Co., Inc. maintains that as of February 25, 1990 Claimant has been paid all dividends due him without any handling charges.

Claimant replies that all Ciba-Geigy shares in his account were purchased, that he never insisted that Gruntal absorb ordinary handling charges, that the Ciba-Geigy dividends were credited February 25, 1991 not 1990 and that his account statements of 3/28/91 does not take into account the margin interest collected by Gruntal during the years while Gruntal failed to pay dividends to his account.

Respondent states that the February 25, 1990 date should read February 25, 1991.

RELIEF REQUEST

Claimant requests Two Thousand Three Hundred Ninety-Five Dollars and No Cents (\$2,395.00) in actual damages plus treble damages for a total of Nine Thousand Five Hundred Eighty Dollars and No Cents (\$9,580.00) plus the Two Hundred Dollars and ~~No Cents~~ (\$200.00) arbitration fee.

Respondent requests dismissal of the claim in its entirety.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Stuart A. Gordon, 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 25, 1991 and by the Respondent on April 4, 1991.

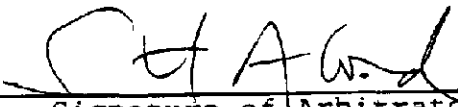
And, that the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. That the Respondent, Gruntal & Co., Inc., is liable and shall pay to the Claimant, Michael R. Lackner, the sum of Four Hundred Dollars and No Cents (\$400.00).
2. That the Claimant's request for treble damages be, and hereby is, denied.
3. That One Hundred Fifty Dollars and No Cents (\$150.00) of the 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, Gruntal & Co., Inc., who shall pay One Hundred Fifty Dollars and No Cents (\$150.00) to the Claimant, Michael R. Lackner.

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AFFIRMATION

I, STUART A. GORDON, 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: 8/12/91
EXECUTED