

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
Dean Witter Reynolds, Inc. :
Claimant :
vs. : CASE #91-00833
Tim J. Harrington : AWARD
Respondent :

CASE SUMMARY

Dean Witter Reynolds, Inc. by its counsel, Dominick J. Dorata, Esq., New York, NY, in a claim filed with the National Association of Securities Dealers, Inc. on March 15, 1991, alleged that Respondent Tim Harrington has failed to satisfy an unsecured balance in his Active Assets customer account created when a check from Mr. Harrington was returned for insufficient funds.

Respondent, Tim J. Harrington failed to respond to the original service of the Statement of Claim sent to him on March 25, 1991. The Claim was reserved on Mr. Harrington on April 26, 1991. Service was effected on Tim J. Harrington on May 6, 1991 as evidenced by the return of a signed, dated certified mail green card. Tim J. Harrington failed to Answer the Statement of Claim.

RELIEF REQUESTED

Claimant requests Eight Thousand One Hundred Forty Dollars and Seventy-Four Cents (\$8,140.74) in damages plus interest at the rate of eleven and three quarters percent (11 3/4%).

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Neill Edward Hannon, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on March 11, 1991 and not by the Respondent as required by his customer agreement and by Sections 12(a) and 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 Tim J. Harrington is liable and shall pay to the Claimant Dean Witter Reynolds, Inc. principal of Eight Thousand One Hundred Forty Dollars and Seventy-Four Cents (\$8,140.74) plus interest for a total award of Eight Thousand Five Hundred Fifty-One Dollars and Ten Cents (\$8,551.10).
2. The Five Hundred Seventy-Five Dollars and No Cents (\$575.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, NEILL EDWARD HANNON, 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.

 8/28/91

Signature of Arbitrator EXECUTED

DATED: 8/30/91