

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Michael Schneider

Claimant

vs.

Edward Green

Respondent

CASE #91-02677
AWARD

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 29, 1991, Claimant Michael Schneider, who appeared Pro Se, alleged that Respondent Edward Green of the firm Whitehouse & Moore Investments, which is now out of business, sold out his existing positions in Alta Gold, Matthews Studio Equipment Group without his authorization and used the money to purchase penny stocks, also without his authorization. The Claimant contended that these unauthorized trades caused a loss to him for which he should be compensated.

Respondent Edward Green, through his counsel James B. Koch, Esq., Chicago, IL, maintained that accounts that were serviced by a former broker of the firm, Bruce Shraugham, were all transferred to the Respondent including Michael Schneider's account. The Respondent further maintained that the Claimant authorized the trades in question, and that the Claimant received his statement and did not complain for many months.

RELIEF REQUESTED

Claimant Michael Schneider requested \$10,000.00 in actual damages.

Respondent Edward Green requested the claims of the Claimant be dismissed.

AWARD

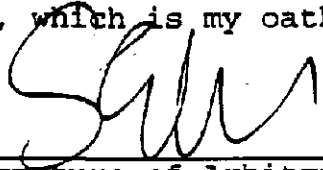
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Samuel E. Wing, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on September 27, 1991 and by the Respondent on November 1, 1991.

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 Edward Green is liable and shall pay to Claimant Michael Schneider \$4,820.00 in actual damages.
2. Respondent Edward Green is liable and shall pay to Claimant Michael Schneider simple interest at the rate of 6% per annum from 1/30/91 to the date of payment of the award.
3. The parties shall bear their respective costs.
4. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondent Edward Green is liable and shall pay to Claimant Michael Schneider \$150.00 as reimbursement of the fee.

AFFIRMATION

I, **SAMUEL E. WING, 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

DATE OF DECISION: November 25, 1992