

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of Arbitration Between

Jeff L. McGraw

Claimant

CASE #91-03223
AWARD

vs.

Pacific Brokerage Services

Respondent

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on October 15, 1991, Claimant Jeff L. McGraw who appeared Pro Se, alleged that Respondent Pacific Brokerage Services failed to execute an order to purchase (3) September 75 Wells Fargo calls which he requested, causing a loss to the Claimant when the options doubled in value. The Claimant further alleged that the respondent failed to provide him with information regarding litigation which involved one of his investments, Software Tool Works, and that due to its lack of disclosure, Claimant sold the stock at a loss.

Respondent, Pacific Brokerage Services through its representative, James R. Kruger, maintained that it has the right to refuse an order from any of its customers at any time; this is a right of all member firms, and the Claimant was informed of their rights on more than one occasion. The Respondent further maintained that it complied with all applicable rules and regulations regarding its secondary market activities in Software Toolworks, and that the Claimant is a plaintiff in a class action suit against that firm, and therefore, his claim is not with Pacific Brokerage Services but with the firm itself.

RELIEF REQUESTED

Claimant, Jeff L. McGraw requested \$3,080.00 in actual damages and \$490.48 in interest.

Respondent, Pacific Brokerage Services requested the claims if the Claimant be dismissed.

Page two
AWARD
#91-03223

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single public Arbitrator, Robert Brunsell, 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 October 7, 1991 and by the Respondent on December 11, 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. The claims of the Claimant Jeff C. McGraw against respondent Pacific Brokerage Services are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD.

AFFIRMATION

I, Robert Brunsell, 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; June 10, 1992