

## NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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 In the Matter of the Arbitration Between :

Goetzel Three Year Trust :  
 Warren W. Koffler, TTEE :

Claimant :

vs. :

Gruntal & Co., Inc. :  
 Edward Lefkow :

Respondents :

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CASE #91-03397  
 AWARD

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on October 29, 1991, the Goetzel Three Year Trust, Warren W. Koffler, TTEE, who appeared Pro Se, alleged that Respondents Gruntal & Co. and Edward Lefkow failed to provide the "TIN" number for certain securities which were to be transferred into the Trust name, and that this omission resulted in loss of interest to the Trust, which they believe the Respondents should reimburse them for.

Respondents, Gruntal & Co. and Edward Lefkow, through their in-house counsel, David S. Gorobetz, Esq., maintained that the Claimant refused to sign a customer agreement or W-9 form, and therefore 20% of the dividends were withheld and sent to the Internal Revenue as tax. Respondents further maintained that the Claimants need only to file a return with the IRS requesting the return of these funds.

RELIEF REQUESTED

Claimants, Goetzel Three Year Trust and Warren W. Koffler, TTEE requested \$692.00, plus legal fees and costs.

Respondents, Gruntal & Co. and Edward Lefkow requested the claims of the Claimant be dismissed.

AWARD

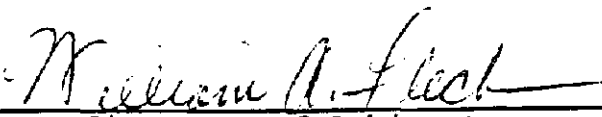
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, William A. Fleck, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on October 21, 1991 and by the Respondent, Gruntal & Co. on January 13, 1992 and by Respondent, Edward Lefkow on January 14, 1992.

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. Respondents, Gruntal & Co. and Edward Lefkow are jointly and severally liable and shall pay \$692.00 to Claimant, Goetzel Three Year Trust, Warren W. Koffler, TTEE.
2. Claimant's request for interest is denied.
3. The parties shall bear their respective costs.
4. The \$30.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondents Gruntal & Co. and Edward Lefkow shall pay \$30.00 to Claimant, Goetzel Three Year Trust.

AFFIRMATION

I, **WILLIAM A. FLECK, 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.

  
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Signature of Arbitrator

DATE OF DECISION: April 30, 1992