

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :

Jack B. & Kitty R. Perry :

Claimants :

vs. :

CASE #91-03919
AWARD

Wilshire Securities, Inc. :

Wedbush Morgan Securities, Inc. :

Respondents :
-----CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on December 10, 1991, Jack B. & Kitty R. Perry who appeared Pro Se, alleged that Respondents Wilshire Securities, Inc. and Wedbush Morgan Securities, Inc. delayed in executing a sale order of 2,000 shares of Summit Technology stock, and that the stock price dropped almost 3 points before the stock was sold, causing a loss to the Claimants. The Claimant further alleged that this identical situation happened to her sister-in-law, but that the Respondents have compensated her for the sale price difference.

Respondents, Wilshire Securities, Inc. and Wedbush Securities, Inc., through their representative Wendy Shen of Wedbush Morgan Securities, Inc., maintained that the Claimants are sophisticated traders, aware of market fluctuations, and that they knew this was a volatile stock. The Respondents further maintained that if the Claimants wanted a guaranteed price they should have placed a limit order, specifying the price. The Respondents also maintained that the stock was sold within 7 minutes of the Claimants' request and that the market was dropping so rapidly, that the stock was sold at the best price they could get under those market conditions. Respondents contend that the amount credited to the Claimants' sister-in-law was a settlement for an unrelated issue, that did not involve the sale of Summit Technology stock.

RELIEF REQUESTED

Claimants, Jack B. & Kitty R. Perry requested \$4,000.00 in actual damages, plus interest.

Respondents, Wilshire Securities, Inc. and Wedbush Morgan Securities, Inc. requested the claims of the Claimants be dismissed.

AWARD

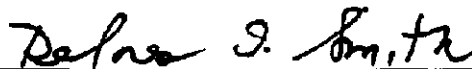
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Delores I. Smith, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on December 4, 1991, by the Respondent, Wedbush Morgan Securities, Inc. on January 14, 1992, but not signed by Respondent Wilshire Securities, Inc. as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

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 Claimants, Jack B. and Kitty R. Perry against Respondents, Wilshire Securities, Inc. and Wedbush Morgan Securities, Inc. 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 Claimants shall be retained by the NASD, Inc.

AFFIRMATION

I, DELORES I. SMITH, 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: May 12, 1992