

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

James R. Shaw

vs.

NASD #92-00091

Name of Respondents

Barry W. Murphy & Co., Inc.

Barry W. Murphy

REPRESENTATION

For Claimant: Claimant represented himself

For Respondents: Barry W. Murphy, Boston, Massachusetts

CASE INFORMATION

Statement of Claim filed: January 9, 1992

Claimant's Submission Agreement signed: December 27, 1991

Joint Statement of Answer filed: June 22, 1992

Respondents' Submission Agreements signed: March 11, 1992

HEARING INFORMATION

Hearing Date/Sessions: August 17, 1992 - one session

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleged Respondents improperly and without authorization sold out his stock position in Apple Computer.

Respondents denied all allegations of wrongdoing and asserted that Claimant's position was liquidated because his account contained insufficient funds to pay for the Apple Computer position.

RELIEF REQUESTED

Claimant requested damages of \$3329.

Respondents requested dismissal of all claims.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the original remains on file with the National Association of Securities Dealers (NASD).

The arbitrator permitted Respondents to appear at hearing via telephone conference hook-up, with Respondents bearing the costs of this arrangement.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims brought by Claimant are dismissed.
2. The parties shall each bear their respective costs including attorney's fees.

FORM FEE

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall retain the \$100 hearing session deposit paid by Claimant as an assessment of form fee for one session.

ARBITRATOR'S SIGNATURE

David M. Bosko, Esq.

Public Arbitrator


David M. Bosko, Esq.

DATE SERVED: 09/14/92

Date of Decision: SEPT 8, 1992