

PUBLIC

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between	:	
Atlantic Business Group, Inc.	:	
	:	
Claimant	:	CASE #92-00141
	:	AWARD
vs.	:	
	:	
A.S. Goldmen & Co.	:	
Tony Smith	:	
Respondents	:	

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on January 14, 1992, Claimant Atlantic business Group, Inc. through its representative Michael J. Feeney, alleged that Respondents A.S. Goldmen & Co. and Tony Smith executed the sale of 1,000 shares of Sports Heroes Stock on November 27, 1991, after the Claimant was led to believe the stock was sold on November 29, 1991, which would have resulted in a larger profit, and therefore, he should be paid the difference.

Respondents, A.S. Goldmen & Co. and Tony Smith through their representative, Stuart Winkler, maintained that the Claimant called to sell the shares on November 27, 1991, and was told he could not, since a check for the purchase had not been received by them. The Respondents further maintained that, because the Claimant was adamant about selling right then, approval was granted in order to execute the sale, and that an "as of" sale was processed. The Respondents contended that they disagree that they agreed to wait to sell the stock, and that the claimant wishes to receive a higher price for the stock, since it rose in price after his sale of it.

RELIEF REQUESTED

Claimant, Atlantic Business Group, Inc. requested \$970.00 in actual damages.

Respondents, A.S. Goldmen & Co. and Tony Smith 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, Philip M. Giordano, 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 April 10, 1992 and by the Respondent A.S. Goldmen & Co. on May 18, 1992 and Respondent Tony Smith on May 15 1992.

And, the Arbitrator, having considered the proof of the Parties, has decided and determine din full and final resolution of the issues submitted for determination as follows:

1. Respondents A.S. Goldmen & Co. and Tony Smith are jointly and severally liable and shall pay to Claimant Atlantic Business Group, Inc. \$970.00 in actual damages.
2. The parties shall bear their respective costs.
3. The \$30.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD. Respondents A.S. Goldmen & Co. and Tony Smith are liable and shall pay \$30.00 to the Claimant as reimbursement.

AFFIRMATION

I, PHILIP M. GIORDANO, 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: 9/30/92

DATED BY THE NASD, INC.: October 5, 1992