

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Perry M. Perlman

vs.

Case #
92-01041

Name of Respondents

Joann Hyman
Corporate Securities Group Inc.

REPRESENTATION

For Claimant, Perry M. Perlman ("Claimant"), Ronald A. Markowitz, Esq. from the law firm of Markowitz, Markowitz & Piro.

For Respondents, Corporate Securities Group, Inc. ("CSG") and Joann Hyman ("Hyman"), Charles E. Scarlett, Esq. in-house counsel.

CASE INFORMATION

Statement of Claim was filed on March 23, 1992.

Amended Statement of Claim was filed on April 30, 1992.

Claimant's Submission Agreement was signed on April 28, 1992.

Joint Statement of Answer was filed by CSG and Hyman on July 13, 1992.

CSG's Submission Agreement was signed on July 6, 1992.

Hyman's Submission Agreement was signed on July 6, 1992.

HEARING INFORMATION

Hearing Date/Sessions: January 8, 1993 - Two Sessions

Hearing Location: National Association of Securities Dealers, Inc.'s offices located at 33 Whitehall Street, New York City, New York.

CASE SUMMARY

Claimant states that his father, who was a customer of CSG and Hyman (Respondents"), suggested that he contact Respondents since he had very little experience in buying and selling stocks. Claimant alleges that his first transaction with Hyman was the purchase of 14,000 shares of Trilling Medical Technologies stock which Hyman strongly recommended. Claimant also alleges that the stock performed poorly and Hyman constantly reassured and told him to keep the stock. Claimant states while a few of the stocks he purchased through Hyman performed well, most of them (Warrior Wireline Corp., ATI Medical Inc. and UTS TNC Media, Inc.) did not perform well.

Claimant contends that Hyman was always inaccessible and that he had to deal with other brokers, one of which was, Jeffrey Applebaum ("Applebaum"). Claimant alleges that he directed Applebaum to purchase 2000 shares of Wisconsin Pharmaceutical Inc. at \$24.92 per share on February 3, 1992 and also stated that he would sell them the following Monday at the market because he felt that the stock would increase in price. Claimant further alleges that he placed a sell order, the stock increased in price and as a result of the improper handling of this sell order, there was a delay and/or a failure to execute the order which resulted in a \$8,000.00 loss for Claimant.

Claimant asserted additional claims in his Statement of Claim but withdrew them at the hearing.

Respondents deny any liability for the losses sustained by Claimant. Respondents admit that Claimant purchased 2000 shares of Wisconsin Pharmaceutical through Applebaum while Hyman was out of the office. Respondents deny that Claimant informed Applebaum that he would sell the stock on the opening of the following Monday.

Respondents state that Claimant called Applebaum on Monday February 3, 1992, at 8.45 a.m. and Claimant did not place any order even though he was aware that the FDA had approved the product in question which he felt would affect the price of the stock. Respondents contend that Applebaum tried to reach Claimant several times regarding the increase in the price of the stock but was unsuccessful. Respondents allege that when Claimant finally spoke with Applebaum at 9:35 a.m., and directed the stock be sold, Applebaum transferred Claimant to Hyman and Claimant placed a sell order at the \$27.25 limit. Respondents further allege that by the time the trading desk stamped the order ticket, the price of the stock had already dropped below the limit of \$27.25.

Respondents argued that Claimant made a profit on these trades.

RELIEF REQUESTED

Claimant requests an award of \$8,000.00.

Respondents request that all claims be denied in their entirety and the Respondents be awarded attorney's fees and costs associated with the defense of this frivolous matter.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed to receive conformed copies of the Award while the original remain on file with the NASD.

Respondents requested that the panel allow testimony of a witness, Tim Moore, via telephone conference and this panel allowed it over Claimant's objection.

Respondent made a motion to change the situs of the hearing but later withdrew said motion.

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 against Respondents are denied.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following Forum Fees are assessed.

Non-refundable Filing Fee: \$120.00
Hearing Session Fees: \$400.00 x 2 sessions = \$800.00

1. All Forum Fees are to be paid by CSG.
2. Claimant paid \$520.00 and CSG shall reimburse Claimant \$520.00 and remit the balance of \$400.00 to the NASD.

Fees are payable to the National Association of Securities Dealers, Inc.

ARBITRATION PANEL

David N. Brainin, Esq.	Public Chairperson
Christopher E. O'Brien, Esq.	Industry Arbitrator
Austin M. Collins, Jr., Esq.	Public Arbitrator

Concurring Arbitrator's Signature
Name


Austin M. Collins, Jr.

Date of Decision: march 10, 1993

STATE OF
COUNTY OF

s.s.:

On this day of , 1993, before me personally appeared Austin M. Collins, Jr.
known and known to me to be the individual described in and who executed the foregoing
instrument and be duly acknowledged to me that he executed the same.



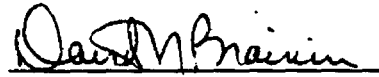
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Fees are payable to the National Association of Securities Dealers, Inc.

ARBITRATION PANEL

David N. Brainin, Esq.	Public Chairperson
Christopher E. O'Brien, Esq.	Industry Arbitrator
Austin M. Collins, Jr., Esq.	Public Arbitrator

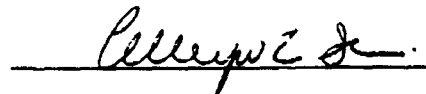
Concurring Arbitrator's Signature
Name


David N. Brainin, Esq.

Date of Decision: March 10, 1993

STATE OF New York s.s.:
COUNTY OF New York

On this 8th day of February, 1993, before me personally appeared David N. Brainin known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.




ROBERT W. Z. SLOVIS
Notary Public, State of New York
No. 426376
County of New York
Expires August 5, 1993

Fees are payable to the National Association of Securities Dealers, Inc.

ARBITRATION PANEL

David N. Brainin, Esq.	Public Chairperson
Christopher E. O'Brien, Esq.	Industry Arbitrator
Austin M. Collins, Jr., Esq.	Public Arbitrator

Concurring Arbitrator's Signature
Name


Christopher E. O'Brien

Date of Decision: March 10, 1993

STATE OF
COUNTY OF

S.S.:

On this 17th day of Feb, 1993, before me personally appeared Christopher E. O'Brien known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.



VALERIE J. BAILEY
NOTARY PUBLIC, State of New York
No. 24-4940303
Qualified in Kings County
Commission Expires July 18, 1994