

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

<u>In the Matter of the Arbitration Between</u>	:	
	:	
Daryoush Javaheri	:	
	:	
Claimant	:	CASE #92-01432
	:	AWARD
	:	
vs.	:	
	:	
	:	
R.G. Dickinson & Co.	:	
Howard Bash	:	
	:	
Respondents	:	

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on April 27, 1992, Claimant Daryoush Javaheri who appeared Pro Se, alleged that on February 24, 1992 Respondent R.G. Dickinson & Co. assigned a new broker, Respondent Howard Bash, to his account due to the fact that his last broker, Lyle Perlmutter, had made a mistake in his account when he bought an Option with a wrong expiration date. Claimant further alleged that he wanted to buy some OEX Options, and when he asked Respondent Howard Bash how to do a spread on OEX, Respondent Howard Bash said he was not exactly sure. Claimant contended that Respondent Howard Bash purchased 20 contract of OEX 385 Puts, expiration March 20 1992, and Respondent Howard Bash advised him that the price on his Option OEX 2 March 385 was \$2-1/4. Claimant further contended that he told Respondent Howard Bash that he did not want to sell the Options for less than \$2, and he instructed Respondent Howard Bash to put the order in at \$2 and he was only waiting for the confirmation whereby the following Monday, Claimant contacted Respondent Howard Bash, at which time, Respondent Howard Bash said he did not get \$2 and Claimant received the market price of 13/16. Claimant further asserted that he closed his account and that Respondents inappropriate handling of his account caused him to sustain losses.

Respondents, R.G. Dickinson & Co. and Howard Bash by and through their in-house counsel Thomas M. Swartwood, Esq., maintained that the trading report for the March OEX Options on March 20, 1992 showed that Claimant, Daryoush Javaheri's order was not likely to be executed and the order was handled properly in a timely manner. Respondents further maintained that Claimant could have limited his losses and that he is experienced in Option trading in that Claimant has traded aggressively and Respondents

should not be held responsible for the risks inherent in such trading.

RELIEF REQUESTED

Claimant, Daryoush Javaheri requested \$2,500.00 in actual damages.

Respondents R.G. Dickinson & Co. and Howard Bash requested the claim be denied.

AWARD


Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedures, a single Public Arbitrator, Paul T. Green, 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 21, 1992 by the Respondent on June 3, 1992.

And, the Arbitrator, having considered the proof of the Parties, had decided and determined in full and final resolution of the issues submitted for determination as follows:

1. The claims of Claimant Daryoush Javaheri against Respondents R.G. Dickinson & Company and Howard Bash are dismissed.
2. The parties shall bear their respective costs.
3. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant the Daryoush Javaheri shall be retained by the NASD, Inc.

AFFIRMATION

I, **PAUL T. GREEN**, 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: November 4, 1992