

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between

Mingtar Tsai

Claimant      CASE #92-02003  
AWARD

vs.

Alexander Gabor & Company, Inc.  
Alexander Gabor

Respondents

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CASE SUMMARY

In a claim filed with the national Association of Securities Dealers, Inc. on June 16, 1992, Claimant Mingtar Tsai who appeared pro se, alleged that Respondents Alexander Gabor & Company and Alexander Gabor sold his Oracle stock without his authorization or permission, when all he asked was to be informed if the stock reached \$8 or \$8.25. The Claimant contended that this unauthorized sale caused a loss for which he should be compensated.

Respondents, Alexander Gabor & Company, Inc. and Alexander Gabor through Mr. Gabor, maintained that the Claimant placed a good till cancelled sell order at 8-1/4, and that the stock was sold in accordance with the Claimants' order. The Respondents further maintained that the Claimant has not suffered any monetary damages because of this and that the Claimant could have bought the stock back at the same price if he wanted to.

RELIEF REQUESTED

Claimant, Mingtar Tsai requested \$9,995.00 in actual damages.

Respondents Alexander Gabor & Company, Inc. and Alexander Gabor 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, Norman R. Cohen, 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 June 10, 1992 and by the Respondent on July 6, 1992.

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 Claimant Mingtar Tsai against Respondents Alexander Gabor & Company, Inc. and Alexander Gabor are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD.

**AFFIRMATION**

I, NORMAN R. COHEN, 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.

  
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Signature of Arbitrator

DATE OF DECISION: 10/20/92

DATED BY THE NASD, INC.: January 4, 1993