

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Anne Marie Fealey

vs.

92-02239

Name of Respondents

Kober Financial Corp.
Kober Corporation

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on July 7, 1992, Claimant Anne Marie Fealey, who appeared Pro Se, alleged that Respondents Kober Financial Corp. and Kober Corporation effected an unauthorized sale of 4,400 shares of Savanna Resources Ltd. stock which caused a loss to her, and that although she filed a complaint with the Respondents regarding this unauthorized transaction, they have failed to respond.

Respondents Kober Financial Corp. and Kober Corporation through their in-house representative, Rick J. Rouse, maintained that they did not participate in any wrongful act purported to have been committed, and that the Claimant's claim is based on seller's remorse due to the increased profits she could have acquired if she had made the decision to hold the stock longer.

RELIEF REQUESTED

Claimant Anne Marie Fealey requested \$1,522.16 in actual damages, plus interest and costs. The Claimant also requested unspecified punitive damages.

Respondents Kober Financial Corp. and Kober Corporation requested the claims of the Claimant be dismissed, and that it be awarded costs and attorney's fees.

AWARD


Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Thaddeus J. Tecza, PhD, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on July 1, 1992 and by the Kober Financial Corp. on August 27, 1992. The Kober Corporation did not sign a Submission Agreement as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

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. Respondents The Kober Corporation and Kober Financial Corporation are jointly and severally liable and shall pay to Claimant Anne Marie Fealey \$1,522.16 in actual damages, plus interest in the amount of \$285.68.
2. The Claimant's request for punitive damages is denied.
3. The parties shall bear their respective costs and attorney's fees.
4. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, **THADDEUS J. TECZA, PhD**, 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: December 16, 1992