

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Ariel and Yona Dotan

vs.

92-02817

Name of Respondent(s)

First Investors Corporation

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 21, 1992, Claimants Ariel and Yona Dotan who appeared pro se, alleged that Respondent First Investors Corp. failed to follow their explicit instructions to liquidate their account and instead went on for approximately two months purchasing shares they were trying to dispose of. The Claimants also alleged that their registered representative, Garrett Cutler, insisted on getting transfer documents signed before liquidating the account, and that these documents were not necessary. The Claimants contended that they should be compensated for the loss they suffered caused by the Respondent's delay in liquidating their account.

Respondent, First Investors Corp., through it's counsel Lisa L. Ferneau, Esq. of Kirkpatrick & Lockhart, Washington, D.C. maintained that the liquidation of the Claimant's account was done in a timely manner, considering the Claimant's request to have the funds wired to their bank, which required a stock power to be signed by the Claimant, and that it was the delay caused by the Claimants in returning the signed stock power that held up the liquidation, not any action of the Respondent. The Respondents also maintained that it does not appear that the Claimants have suffered a loss, and that according to the Respondent's calculations, the Claimants would have received less money if the account had been liquidated in November of 1989, rather than January of 1990.

RELIEF REQUESTED

Claimants Ariel & Yona Dotan requested \$6,545.00 in actual damages, plus interest in the amount of \$1,745.00

Respondent First Investors Corp. requested that 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, John N. Chapin, Jr. was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on August 11, 1992 and by the Respondent of September 1, 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. Respondent First Investors Corp. is liable and shall pay to Claimants Ariel & Yona Dotan \$1,000.00 in actual damages, inclusive of interest.
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 Claimants shall be retained by the NASD.

AFFIRMATION

I, JOHN N. CHAPIN, JR., 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: February 16, 1993