

PUBLIC

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant

Donald E. Coplea

92-03443

Name of Respondents

Mark New  
W.B. McKee Securities, Inc.

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CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on October 12, 1992, Claimant Donald E. Coplea, who appeared Pro Se, alleged that he expressed to Respondent Mark New, Account Executive of Respondent W.B. McKee Securities, Inc., that he was not happy with the results of the purchase of Frontier Adjusters of America purchased at around \$6.178 and at the time the price per share was valued at \$3.00 on the NASDAQ daily listing. Claimant further alleged that a few days past before Respondent Mark New called and stated that he could help Claimant lower his cost per share, whereby Respondent Mark New recommended Claimant purchase a large number of shares of Frontier Adjusters and Coleman shares. Claimant contended that Respondent Mark New then told him that he would buy the shares, hold them a few days for Claimant, get a check, sell the shares, and deposit the money back into Claimant's checking account before the check cleared. Claimant further contended that the transactions were executed and because of Respondent's actions Claimant lost \$7,500.00 of equity in his account.

Respondent W.B. McKee Securities, Inc. by and through Cindy G. Wilson-Squadere, maintained that Respondent Mark New knows that Federal Reserve policy requires all funds be held in a securities account for 10 days prior to issuing a client a check and if anyone is going to "free ride and withhold", they would not chose a stock such as Frontier with low volume but a "big board security". Respondent W.B. McKee Securities, Inc. further maintained that Claimant Donald E. Coplea signed checks in the amount of \$38,796.00 and \$29,532.28 with insufficient funds. Respondent W.B. McKee Securities, Inc. contended that they executed these transactions on Claimant's behalf and were charged \$1,726.14 in losses in Claimant's account by Southwest Securities.

Respondent Mark New, who appeared Pro Se, maintained that he suggested to Claimant Donald E. Coplea purchased 1,750 shares of Coleman Camping Gear and buy 9,000 shares of Frontier Adjusters, whereby Respondent Mark New told Claimant the total cost of each transaction and asked Claimant if he had that kind of money at which time, 3 hours later, Claimant instructed Respondent Mark New to go ahead and buy the stock; however, the order was canceled because it did not fill the price we wanted to order. Respondent Mark New further maintained that at no time whatsoever did he suggest or imply to Claimant that he did not have to pay for his stock.

Respondent Mark New asserted a Counterclaim against Claimant Donald E. Coplea in order to recoup the losses sustained due to Claimant's checks written against insufficient funds in his account.

Claimant Donald E. Coplea maintained that in answer to the Counterclaim, Respondent Mark New took advantage of his trust sold him the idea of purchasing the stock.

#### **RELIEF REQUESTED**

Claimant Donald E. Coplea requested \$8,500.00 in actual damages.

Respondent W.B. McKee Securities, Inc. requested the claim be denied.

Respondent Mark New requested the claim be dismissed and asserted a Counterclaim against Claimant Donald E. Coplea for \$1,726.14 in actual damages.

#### **AWARD**

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, David Menaker, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on October 29, 1992, by the Respondent W.B. McKee Securities, Inc. on January 6, 1993 and by the Respondent Mark New on January 6, 1993.

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 claim of Claimant Donald E. Coplea against Respondents W.B. McKee Securities, Inc. and Mark New is dismissed.
2. The Counterclaim of Respondent Mark New against Claimant Donald E. Coplea is denied.

3. The parties shall bear their respective costs.
4. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Donald E. Coplea shall be retained by the NASD, Inc. The \$575.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by Counterclaimant Mark New shall be retained by the NASD, Inc.

**AFFIRMATION**

I, **DAVID MENAKER**, 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:** July 20, 1993