

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Eugene Forsyth

92-03931

Name of Respondent

Norman Sheff

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on November 20, 1992, Claimant Eugene Forsyth, who appeared Pro Se, alleged that on October 23, 1991 and October 24, 1991 Respondent Norman Sheff, the principal of Norbert Associates, Inc., failed to execute an order to sell 700 shares of Repligen common stock. Claimant further alleged that the price of Repligen was dropping and the stock was not sold until October 25, 1991. Claimant contended that he was prevented from getting timely information and sale of his stock, whereby he was prevented from a secure sale through Oppenheimer & Co. or any other firm. Claimant further contended that because of Respondent's actions, he lost about \$5,000.00 to \$7,000.00.

Respondent Norman Sheff, who appeared Pro Se, maintained that on November 18, 1991 the NASD complaint section found an identical complaint by Claimant Eugene Forsyth to be meritless after investigation by an NASD examiner. Respondent further maintained Claimant's registered representative was Richard Berger and at no time was Respondent Claimant's registered representative. Respondent contended that the Claimant contacted Norbert Associates, Inc. with a sell request on October 25, 1992 that was immediately executed.

RELIEF REQUESTED

Claimant Eugene Forsyth requested \$7,000.00 in actual damages.

Respondent Norman Sheff requested the claim be dismissed.

AWARD

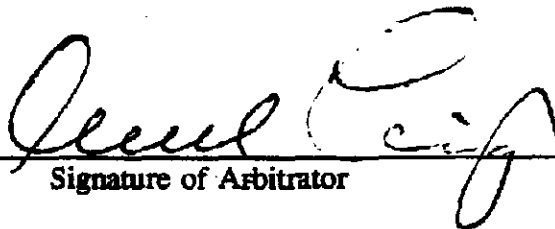
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Samuel Leigh, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on May 14, 1992 and by the Respondent on April 12, 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 Eugene Forsyth against Respondent Norman Sheff is dismissed.
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 Eugene Forsyth shall be retained by the NASD, Inc.

AFFIRMATION

I, **SAMUEL LEIGH, 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.



Signature of Arbitrator

DATE OF DECISION: May 18, 1993