

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Name of Claimant

Robert P. Cody

and

93-1654

Name of Respondent

Chelsea Street Securities, Inc.

REPRESENTATION OF PARTIES

Robert P. Cody ("Claimant") appeared pro se.

Chelsea Street Securities, Inc. ("Respondent") did not appear at the hearing.

CASE INFORMATION

The Statement of Claim was filed on or about April 27, 1993. Submission Agreement of Claimant was signed on April 20, 1993.

Statement of Answer was filed by Respondent on or about September 27, 1993.

HEARING INFORMATION

The hearing was held on Thursday, November 18, 1993 in Milwaukee, Wisconsin for one (1) session.

CASE SUMMARY

Claimant alleged that Chelsea Street Securities, Inc. liquidated his account in error. Specifically, Claimant alleged that certain securities were purchased on margin, that he sent the appropriate margin papers to Chelsea Street Securities, Inc., that Chelsea Street Securities, Inc. received the margin papers in time but filed them incorrectly, and that the position was liquidated as a result.

Respondent stated that the trades in the account of Claimant were authorized by the Claimant and the liquidation of the account would not have occurred had the Claimant promptly paid for the securities purchased.

RELIEF REQUESTED

Claimant requested an award in the amount of \$5,625.61.

Respondent requested that the claims asserted against it be denied in their entirety.

OTHER ISSUES CONSIDERED & DECIDED

Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned arbitrator has determined that Respondent Chelsea Street Securities, Inc. has been properly served with the Statement of Claim pursuant to §13 and §25 of the N.A.S.D. Code of Arbitration Procedure (the "Code"). The undersigned arbitrator also determined that Respondent had received due notice of the hearing as required under §26 of the Code and that arbitration of the matter would proceed pursuant to §29 of the Code.

Respondent Chelsea Street Securities, Inc. did not file with the N.A.S.D. a properly executed submission to arbitration but is required to submit to arbitration pursuant to §12 of the N.A.S.D. Code of Arbitration Procedure (the "Code") and having answered the claim is bound by the determination of the arbitration panel on all issues submitted.

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Chelsea Street Securities, Inc shall be and hereby is liable for and shall pay to the Claimant Robert P. Cody the sum of *five thousand six hundred twenty-five dollars and sixty one cents* (\$5,625.61).
2. Interest at the rate of 12% per annum is awarded on the above stated sum from and inclusive of December 1, 1993 to and inclusive of the date this award is paid in full.
3. Each party shall bear its own costs, expenses and attorney's fees incurred in this matter, if any, not specifically enumerated herein.

FORUM FEES

Pursuant to §43(c) of the N.A.S.D. Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. ("N.A.S.D.") shall retain the non-refundable filing fee in the amount of \$75.00 and shall retain as forum fees the hearing session deposit in the amount of \$200.00 previously deposited with the N.A.S.D. by the Claimant. Respondent shall pay to the Claimant the sum of \$200.00 as reimbursement of the hearing session deposit.

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Forum fees are calculated at the rate of \$200.00 per hearing session. Fees are payable to the National Association of Securities Dealers, Inc.



Mark E. Sanders, Esq.
Public Arbitrator, Presiding Chair

Dated:

11/29/93