

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

PaineWebber, Inc.

93-01859

Name of Respondent

David Okomo

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on May 10, 1993, Claimant PaineWebber, Inc., through its in-house counsel, Garry J. Stegeland, Esq., alleged that Respondent David Okomo failed to pay a debit balance he incurred when he failed to pay for securities he purchased before settlement. The Claimant contended that the Respondent's failure to pay forced it to liquidate his account, causing this debit balance for which the Respondent is liable.

Respondent David Okomo failed to file an Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant PaineWebber, Inc. requested \$4,085.62 in actual damages, plus interest, attorney's fees and the return of the NASD filing fee.

Respondent David Okomo failed to file an Answer to the Statement of Claim.

OTHER ISSUES CONSIDERED & DECIDED

In accordance with Section 13 of the NASD Code of Arbitration Procedure the Respondent David Okomo was served a copy of the Statement of Claim by regular and certified mail and given an opportunity to respond, which he failed to do. The Respondent received the Statement of Claim and notification of his overdue answer as evidenced by a return receipt card signed and

dated June 14, 1993. In addition, Respondent David Okomo received notification of the arbitrator's identity as evidenced by a return receipt card signed and dated July 6, 1993.

Pursuant to the By-Laws of the NASD the arbitrator determined that Respondent David Okomo had knowledge of the claim and was required to submit to this arbitration proceeding and is, therefore, bound by the arbitrator's ruling and determination.

AWARD


Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Marc David Freed, 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 5, 1993, but not by the Respondent David Okomo 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. Respondent David Okomo is liable and shall pay to Claimant PaineWebber, Inc. \$4,085.62 in actual damages, plus simple interest at the rate of 8% per annum from February 18, 1993 to the date of payment of the award.
2. The parties shall bear their respective costs and attorney's fees.
3. The \$575.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondent David Okomo is liable and shall pay \$575.00 to Claimant PaineWebber, Inc. as reimbursement of the filing fee.

AFFIRMATION

I, **MARC DAVID FREED**, 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.


Marc David Freed

DATE OF DECISION: September 13, 1993