

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

James E. Viktora, IRA
James E. & Virginia M. Viktora

93-03196

Name of Respondent

Griffin Financial Services

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 13, 1993, Claimants James E. & Virginia M. Viktora and James E. Viktora, IRA, who appeared Pro Se, alleged that Respondent Griffin Financial Services was responsible for the acts of its agent, James Bacon, who advised Claimants to invest in Pathe Communications Corporation. Claimants alleged Griffin was aware that this investment was unsuitable for them. Claimants further alleged Respondent failed to timely inform Claimants that the stock in which they had invested was being "delisted". The Claimants contended that Respondent should have at least provided Claimants with the opportunity to take other steps to protect their investment before the delisting. Additionally, Claimants alleged Respondent had a responsibility to have arranged for the sale of the stock when it fell to one dollar per share as instructed by Claimant's stop order. Claimants stated they incurred actual damages, as a result of this alleged wrongdoing, for which Respondent should be held liable.

Respondent Griffin Financial Services, through its Compliance Officer, Gary Virnick, maintained that it never acted improperly or negligently with respect to Claimant's accounts. Respondent contended it opened the accounts and executed unsolicited transactions solely at the request of advice to Claimants. Respondent stated Claimants owned shares of Pathe stock prior to opening accounts at Griffin and thus Respondent cannot be held liable for allegations of unsuitability. Furthermore, Respondent explained that it could not be expected to know the listing status of the Pathe stock, and once delisted, there was no market for Claimants' shares. Finally, the Respondent contended the stock never traded at one dollar per share between the time Claimants entered their stop order and the date the shares were delisted and requested that all claims against them be dismissed.

RELIEF REQUESTED

Claimants James E. & Virginia M. Viktora and James E. Viktora, IRA requested \$2,869.00 in actual damages.

Respondent Griffin Financial Services requested the claims of the Claimants be dismissed.

AWARD

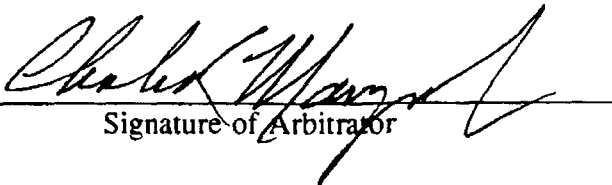
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Charles R. Manzoni, Jr., Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on August 24, 1993 and by the Respondent on October 12, 1993.

And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues for determination as follows:

1. The claims of the Claimants James E. & Virginia M. Viktora and James E. Viktora, IRA against Respondent Griffin Financial Services are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc.

AFFIRMATION

I, CHARLES R. MANZONI, JR., 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: April 14, 1994