

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant

Susan Bell

93-03398

Name of Respondent

Your Discount Broker, Inc.

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**CASE SUMMARY**

In a claim filed with the National Association of Securities Dealers, Inc. on August 30, 1993, Claimant Susan Bell, who appeared Pro Se, alleged that Respondent Your Discount Broker, Inc. transferred funds, without her knowledge or consent, from her own personal account to her husband's account. The Claimant asserted that her husband could not pay for a purchase of 500 shares of Silver Spur mineral stock so she agreed to open an account and purchase the stock herself, and contended that when she was ready to sell the stock she discovered that the Respondent had canceled her trade, without her knowledge and transferred the funds from her account to her husband's account and advised her that the balance was "frozen". Claimant Susan Bell contended that the Respondent should be held liable for the lost profit she would have realized.

Respondent Your Discount Broker, Inc. failed to file an Answer to the Statement of Claim.

**RELIEF REQUESTED**

Claimant Susan Bell requested \$4,752.00 in actual damages, plus \$5,000.00 in punitive damages.

Respondent Your Discount Broker, Inc. failed to file an Answer to the Statement of Claim.

**AWARD**

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Myron S. Dunay, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration

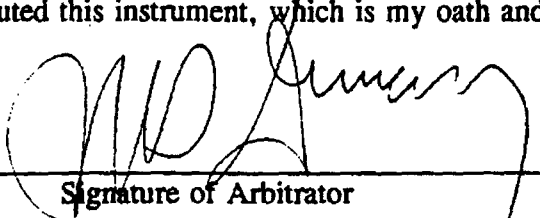
signed by the Claimant on August 26, 1993 but not by the Respondent as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

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 Your Discount Broker, Inc. is liable and shall pay to Claimant Susan Bell \$4,752.00 in actual damages, plus simple interest at the rate of 12% per annum from August 25, 1993 to the date of payment of the Award.
2. The Claimant's request for punitive damages 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 shall be retained by the NASD, Inc. Respondent Your Discount Broker, Inc. is liable and shall pay to Claimant Susan Bell \$150.00 as reimbursement of the fee.

**AFFIRMATION**

I, **MYRON S. DUNAY**, 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: February 24, 1994