

12/94

9412089

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Carl A. & Angelina J. Gangale

vs.

Case
#93-04961

Name of Respondents

Phillip Rini
The Ohio Company

REPRESENTATION

Claimants, Carl and Angelina Gangale ("Claimants") appeared pro-se.

For Respondent, The Ohio Company ("Ohio"), James Francis from the Ohio Company, located in Columbus, Ohio.

For Respondent, Phillip Rini ("Rini"), James Francis from the Ohio Company, located in Columbus, Ohio.

CASE INFORMATION

Statement of Claim was filed on December 1, 1993.

Claimant's Submission Agreement was signed on November 23, 1993.

Statement of Answer was filed by Respondent, Ohio on
Respondent, Ohio's Submission Agreement was signed on March 29, 1994.

Statement of Answer was filed by Respondent, Rini on February 16, 1994.
Respondent, Rini's Submission Agreement was signed on February 15, 1994.

HEARING INFORMATION

Hearing Date/Sessions: October 26, 1994 - 2 sessions.

94/2089

Hearing Location: 30100 Chagrin Blvd. in Cleveland, Ohio 44124.

CASE SUMMARY

Claimants allege they were contacted by Respondent Rini who recommend they purchase ~~shares~~ of Meridian Diagnostic stock. Claimants maintain that Rini stated the price of the stock ~~was~~ about eight dollars and that he would not charge a commission. Claimant then states ~~that he~~ agreed to have Rini purchase 1,000 shares of Meridian Diagnostic. However, the following ~~day~~, explains Claimant, Rini phoned Claimants to let them know that trading stopped on the stock ~~and~~ he was unable to make the purchase. Claimant believes Mr. Rini did not follow through ~~with~~ his responsibility to make the purchase as he could have, resulting in a loss of potential income to Claimants in the amount of \$2,500.00.

Respondents defended that Claimants were experienced investors, who, although in contact ~~with~~ Rini in the past, never invested through the Ohio Company. However, Claimants did ~~choose~~ to invest in the stock at issue in this matter after Rini presented the offering of Meridian Diagnostics. Respondents explained that Claimants were aware the commission was built ~~into~~ the price of this offering which was co-managed by Prudential Securities and the Ohio company. The day after Claimants chose to invest in Meridian, Respondents learned the offering ~~was~~ withdrawn with no prior notice. Respondents explained they informed Claimants immediately of this fact. In summary, Claimant has no claim against the Ohio Company or Phillip Rini ~~as~~ Respondents maintain they acted in their normal, professional manner.

RELIEF REQUESTED

Claimants requested \$2,500.00 in damages.

Respondents requested the claim be dismissed in its entirety and all forum fees be assessed against Claimants.

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:

9412089

1. The claim is dismissed in its entirety.
2. Forum Fees are assessed against the Claimants.

FORUM FEES

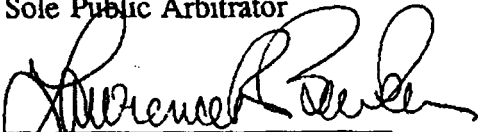
Pursuant to Section 43(c) of the *Code of Arbitration Procedure*, the following Forum Fees are assessed.

Non-refundable Filing Fee: \$25.00
Hearing Session Deposit: \$50.00 (2 sessions x \$25.00 per session)
Total Fees: \$75.00

1. Claimant paid \$50.00 and owes \$25.00.

Fees are payable to the National Association of Securities Dealers, Inc.

Sole Public Arbitrator


Lawrence R. Barker

Date of Decision: 12/8/94

NASD Date of Decision: December 20, 1994