

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant

Anita Pescow

94-00527

Name of Respondent

Olde Discount Corporation

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**REPRESENTATION**

Claimant, Anita Pescow ("Claimant"), appeared pro se.

For Respondent, Olde Discount Corporation ("Respondent"), Dave Doyle, Esq., in-house counsel.

**CASE INFORMATION**

Statement of Claim filed: February 14, 1994

Claimant's Submission Agreement signed on: February 10, 1994

Statement of Answer filed by Respondent on: May 27, 1994

Respondent's Submission Agreement signed on: June 2, 1994

**HEARING INFORMATION**

Hearing Date/Sessions: April 18, 1995 - 2 sessions

Hearing Location: NASD Offices, 33 Whitehall Street, New York, New York 10004

**CASE SUMMARY**

Claimant alleged unauthorized trading. She stated that at the advice of her broker, she agreed to sell certain stocks to reduce margin debt. However, Claimant maintained a fourth stock, in General Corp., was liquidated at the same time without her permission. Claimant thus suffered \$3,414.00 in damages.

Respondent defended by stating that Claimant authorized the sale of Network General and that it never initiated or encouraged Claimants decision. In fact, maintained Respondent, it advised claimant to hold on to that stock as it would perform well in the long run. Respondent explained that Claimant was trading stocks on margin and in July 1993, when her portfolio value decreased, she experienced three margin calls. As a result, stated Respondents, Claimant decided to sell various stocks. Respondent claimed she gave specific instructions that four stocks, including Network General, be sold and that confirmation of such sales were sent on or after the trade date. Respondent maintained it is not liable for any unauthorized trading in Claimants account.

### **RELIEF REQUESTED**

Claimant requested damages in the amount of \$3414.00.

Respondent requested all claims be denied and that Claimant be liable for all costs.

### **OTHER ISSUES CONSIDERED & DECIDED**

The parties have agreed that the Award in this matter may be executed in counterpart copies and agreed to receive a conformed copy of the Award while the original remains on file with the NASD.

### **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. All claims are dismissed in their entirety.

### **FORUM FEES**

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed:

Nonrefundable filing fee:	\$100.00
Hearing Session Deposit (\$50.00 x 2 sessions)	\$100.00
Total Fees:	\$200.00

The parties shall each be liable for one-half of the forum fees.

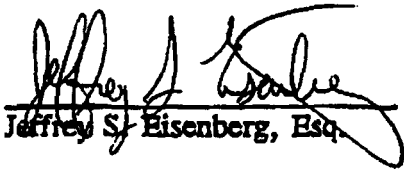
1. Claimant paid \$150.00.
2. Respondent owes \$50.00 payable directly to Claimant and \$50.00 payable to the National Association of Securities Dealers, Inc.

Page 3  
NASD Cast No. 94-00527

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

Concurring Arbitrators' Signatures  
Name

Public/Industry

  
Jeffrey S. Eisenberg, Esq.

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NASD Date of Decision: \_\_\_\_\_

STATE OF: New York  
COUNTY OF: New York

S.S.:

On this 12<sup>th</sup> day of June, 1995, before me personally appeared Jeffrey S. Eisenberg, Esq. known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.

A handwritten signature in cursive script, reading "Susan Steiger", written over a horizontal line.

SUSAN J. STEIGER  
Notary Public, State of New York  
No. 31-4799454  
Qualified in New York County  
Commission Expires August 31, 19

95