

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

James D. and Colleen M. Haggart

94-00611

Name of Respondents

**Hanover Sterling & Co., Ltd.
Mark Savoca**

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on February 16, 1994, Claimants James D. and Colleen M. Haggart, who appeared Pro Se, alleged that Respondent Mark Savoca ("Savoca"), a broker at Respondent Hanover Sterling & Co., Ltd., purchased and sold 8000 shares of Comstock Resources Inc. New. stock on their behalf without their authorization. Claimants further alleged that Respondent Savoca purchased and sold 2500 shares of Porter Mcleod Natl Retail Inc. stock on their behalf without their authorization. Claimants contended that Respondent Savoca purchased and sold 3000 shares of Blue Chip Computerware Inc. stock on their behalf without their authorization. As a result of the above, Claimants alleged that they have suffered damages for which the Respondents should be held liable.

Respondents Hanover Sterling & Co., Ltd. and Mark Savoca, through their counsel M. David Sayid, Esq., New York, New York, denied that they engaged in the unauthorized trades alleged by Claimants. Respondents further maintained that an authorized trade made by Respondent Savoca on-behalf of Claimants subsequent to the alleged unauthorized trades was profitable, limiting Claimants' loss to \$3,843.00. Respondents contended that Claimants are not alleging that any of the profit positions were unauthorized, but only the losses were unauthorized. Respondents further contended that Claimants' account has a total profit of \$6135.00 and a total loss of \$4000.00. As a result of the above, Respondents contended that they should not be held liable in this matter.

RELIEF REQUESTED

Claimants James D. and Colleen M. Haggart requested \$7,316.10 in actual damages.

Respondents Hanover Sterling & Co., Ltd. and Mark Savoca requested that the Claimants' Statement of Claim be dismissed in its entirety.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single public arbitrator, Jule B. Greene, 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 February 5, 1994 and not by the Respondents as required by Sections 12 and 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. Respondents Hanover Sterling & Co., Ltd. and Mark Savoca are jointly and severally liable and shall pay to Claimants James D. and Colleen M. Haggart \$7,316.10 in actual damages.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc. Respondents Hanover Sterling & Co., Ltd. and Mark Savoca are jointly and severally liable and shall pay to Claimants James D. and Colleen M. Haggart \$150.00 as reimbursement of the filing fee.

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AFFIRMATION

I, **JULE B. GREENE, ESQ.**, do hereby affirm upon my oath of 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: November 9, 1994