

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Gerry Wilichowski

94-01506

Name of Respondents

M. Rimson & Co., Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on April 21, 1994, Claimant Gerry Wilichowski, who appeared Pro Se, alleged that Respondent M. Rimson & Co., Inc. sold 250 shares of Pure Tech Int'l Inc. stock from his account and purchased 1500 shares of World Entmt Concept, Inc. stock for his account without his authorization. As a result of the above, Claimant contended that he has suffered damages for which the Respondent should be held liable.

Respondent M. Rimson & Co., Inc. did not file a Statement of Answer.

RELIEF REQUESTED

Claimant Gerry Wilichowski requested \$3,562.50 in actual damages, plus the return of 1500 shares of World Entmt Concept, Inc. stock to Respondent.

Respondent M. Rimson & Co., Inc. did not file a Statement of Answer.

OTHER ISSUES CONSIDERED AND DECIDED

In accordance with Section 13 of the NASD Code of Arbitration Procedure the Respondent was served by regular mail and given an opportunity to respond, which it failed to do. Service of overdue answer memo was also effected as

evidenced by return receipt card dated July 28, 1994 on file with the NASD, Inc.

Pursuant to the By-Laws of the NASD the arbitrator determined that Respondent M. Rimson & Co., Inc. had notice of the claim and was required to submit to this arbitration proceeding and is, therefore, bound by the arbitrator's ruling and determination.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single arbitrator, Stephen P. Kelley, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on April 18, 1994 and not by the Respondent as required by Sections 12 and 13 of the NASD Code of Arbitration of Procedure.

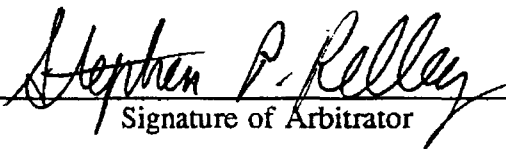
And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Respondent M. Rimson & Co., Inc. is liable and shall pay to Claimant Gerry Wilichowski \$3,562.50 in actual damages.
2. Respondent M. Rimson & Co., Inc. is liable and shall pay to Claimant Gerry Wilichowski simple interest at the rate of 7% per annum from November 8, 1993 to the date of payment of the award.
3. Claimant Gerry Wilichowski shall return to Respondent M. Rimson & Co., Inc. 1500 shares of World Entertainment Concept, Inc. upon receipt of payment of award.
4. The parties shall bear their respective costs.
5. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondent M. Rimson & Co., Inc. is liable and shall pay to Claimant Gerry Wilichowski \$125.00 as reimbursement of the filing fee.

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AFFIRMATION

I, **STEPHEN P. KELLEY, 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: December 29, 1994