

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

---

In the Matter of the Arbitration Between

Name of Claimants

Bert Engel

94-02190

Name of Respondents

Mark D. Baldinger

---

**CASE SUMMARY**

In a claim filed with the National Association of Securities Dealers, Inc. on June 9, 1994, Claimant Bert Engel, who appeared Pro Se, alleged that Respondent Mark Baldinger ("Baldinger") purchased 1700 Information Management Technologies, Inc. warrants without his authorization. Claimant further alleged that Respondent did not sell the warrants in question in a timely fashion. Claimant contended that D. H. Blair & Co., Inc. was a market maker in the warrants in question. As a result of the above, Claimant alleged that he has suffered damages for which the Respondent should be held liable.

Respondent Mark Baldinger, who appeared Pro Se, maintained that Claimant advised him that he should purchase for Claimant 2000 of the warrants in question if he could get them. Respondent further maintained that Claimant never paid for 1700 of the warrants, and thus they were sold to cover the debit he incurred. Respondent denied that he was told by Claimant to "get back to him" regarding the purchase in question after the passover holiday. As a result of the above, Respondent contended that he should not be held liable in this matter.

**RELIEF REQUESTED**

Claimant Bert Engel requested \$750.94 in actual damages, \$744.38 in medical expenses, and \$1000.00 in punitive damages.

Respondent Mark Baldinger requested that the Claimant's Statement of Claim be dismissed in its entirety.

**AWARD**

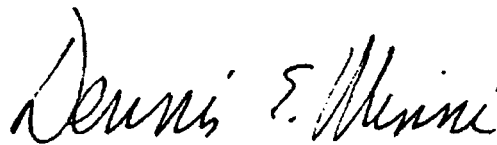
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single public arbitrator, Dennis Minni, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on June 17, 1994 and by the Respondent on August 24, 1994.

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. The claims of Claimant Bert Engel against Respondent Mark Baldinger are dismissed in their entirety.
2. Claimant Bert Engel's claim for punitive damages is denied.
3. The parties shall bear their respective costs.
4. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

**AFFIRMATION**

I, DENNIS MINNI, 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: January 20, 1995