

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

---

In the Matter of the Arbitration Between

Name of Claimant

John H. Yaworski

95-00295

Name of Respondents

Robert J. Judge, Jr.  
Edwin Bell  
M. Rimson & Co., Inc.

---

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc., on January 19, 1995, Claimant, John H. Yaworski, who appeared Pro Se, alleged that Respondents, M. Rimson & Co., Inc., ("M. Rimson"), Ed Bell ("Bell") and Robert Judge ("Judge") executed transactions for his account without authorization. Claimant further alleged that on March 25, 1994 or March 26, 1994, he received a confirmation in the mail from M. Rimson & Co., Inc., which stated that he had purchased 10,000 shares of Jupiter Features, LTD. Claimant contended that on March 29, 1994, he received a confirmation from M. Rimson & Co., Inc., reflecting 1,000 shares of STET Group had been sold from his account. Claimant further contended that on March 31, 1994 he received a confirmation from Respondent, M. Rimson & Co., Inc., noting the purchase of 1,400 shares of StarCom Entertainment Int. Claimant alleged that each of the above transactions were unauthorized and have caused him to suffer a loss for which Respondents should be liable.

Respondent, M. Rimson & Co., Inc., through its representative and President, M. Rimson & Co., Inc., maintained that whatever protestation made by Claimant would have been received after he had been contacted by certain public agencies requesting information which would have indicated to the Claimant that there were certain problems in relation to StarCom Entertainment.

Respondent, Robert Judge, who appeared Pro Se, maintained that on March 23, 1994, Claimant had agreed to purchase 1,000 shares of STET. Respondent Judge further maintained that on March 31, 1994, the purchase of 10,000 shares of Juniper Features was executed in error and was immediately canceled and corrected. Respondent Judge contended that on March 31, 1994,

Claimant agreed to purchase 1,400 shares of StarCom and to sell the STET shares to cover the purchase.

Respondent, Ed Bell, who appeared Pro Se, maintained that he has never met, spoken with, or corresponded in any way with the Claimant. Respondent Bell further maintained that prior to reading the statement of claim, he had never heard of the securities in question. Respondent further maintained that he should not be held liable for Claimant's loss.

### **RELIEF REQUESTED**

Claimant, John H. Yaworski, requested \$3,000.00 in actual damages, plus costs.

Respondents, M. Rimson & Co., Inc., and Robert Judge, requested that the claims of the Claimant be dismissed.

Respondent Ed Bell requested that the claims of the Claimant be dismissed.

### **AWARD**

Pursuant to Section 13 of the NASD, Inc., Code of Arbitration Procedure, a single Public Arbitrator, Michael Quarto, was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on January 17, 1995, and by the Respondent, Bell on March 6, 1995 and by M. Rimson & Co., Inc., and Robert Judge on March 8, 1995.

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 the Claimant, John H. Yaworski \$3,000.00 in actual damages.
2. Respondent, M. Rimson & Co., Inc., is liable and shall pay to the Claimant, John H. Yaworski interest at the rate of 6% per annum from April 6, 1994 to August 21, 1995.
3. The claims of the Claimant, John H. Yaworski against Respondents, Ed Bell and Robert Judge, are dismissed in their entirety.

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, John H. Yaworski, shall be retained by the NASD, Inc., Respondent, M. Rimson & Co., Inc., is liable and shall pay to the Claimant \$125.00 as reimbursement of the filing fee.

**AFFIRMATION**

STATE OF Pennsylvania

}  
}  
SS:

COUNTY OF Delaware

I, MICHAEL QUARTO, do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my award.

Michael Quarto  
Signature of Arbitrator

DATE OF DECISION:

September 13, 1995

Laura F. Gambino

