

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Paul Wong

95-01035

Name of Respondent

Stratton Oakmont Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on February 27, 1995, Claimant Paul Wong, who appeared Pro Se, alleged that Respondent Stratton Oakmont, Inc. sold his Dr. Pepper/Seven Up ("DPS") stock without authorization. Claimant further alleged that he purchased DPS from Respondent on July 14, 1994, based on Respondent's advice that DPS might be acquired by Cadbury Schwepps. Claimant contended that on August 18, 1994, Douglas C. Miller, an employee of the Respondent, sold 1,000 of his DPS shares, at \$22.50, without authorization. Claimant further contended that he did not find out about the unauthorized sale until August 25, 1994 at which time DPS was at \$23.7/8. Claimant alleged that he made several demands upon Respondent to credit his account for \$1,375.00, the difference between the August 18, 1994 price and the August 25, 1994 price, but Respondent ignored him. Claimant further alleged that DPS stock subsequently increased in value to \$32.50. As a result of the above, claimant alleged that he has suffered a loss for which Respondent should be liable.

Respondent Stratton Oakmont, Inc., through its representative, Gregg Evangelist, Esq., Jericho, New York, maintained that it discharged its responsibilities in a professional and ethical manner and all of its actions were within the parameters of accepted brokerage procedure as well as all exchange and governmental regulations. As a result of the above, Respondent maintained that it should not be held liable for Claimant's loss.

RELIEF REQUESTED

Claimant Paul Wong, requested \$10,000.00 in actual damages.

Respondent Stratton Oakmont, Inc., 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, Joyce S. Levinson, was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on February 23, 1995. The Respondent did not submit a Submission Agreement as required to pursuant to Sections 8 and 10 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. The claims of the Claimant Paul Wong, against Respondent Stratton Oakmont, Inc., are dismissed in their entirety.
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 Claimant Paul Wong, shall be retained by the NASD, Inc.

AFFIRMATION

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


Joyce S. Levinson

Date of Decision: September 15, 1995