

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Richard D. Romanski

95-02112

Name of Respondents

James A. Romansky
A.J. Michaels & Co., Ltd.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on May 1, 1995, Claimant Richard D. Romanski ("Romanski"), who appeared Pro Se, alleged that Respondent James A. Romansky ("Romansky"), of the Respondent firm, A.J. Michaels & Co., Ltd. ("AJM"), without Claimant's knowledge or authority on December 5, 1994, sold 2,000 shares of Incommet Inc. and bought 1,000 shares of Intelligent Electronics Inc. The Claimant further alleged that Respondent AJM has delayed settlement of the Claimant's account, and is therefore also responsible to the Claimant. Claimant contended that he has suffered damages to the wrongdoing of the Respondents for which they should be held liable.

Respondents James A. Romansky and A.J. Michaels & Co., Ltd., through their outside counsel, W. Hubert Plummer, Esq., of Plummer & Plummer, LLP, Hauppauge, NY, maintained that Claimant is barred from recovery on the grounds that Respondent Romansky was acting in compliance with the directions of the Claimant and within the authority established by an extended course of dealings between the Claimant and said Respondent. The Respondents further maintained that they denied all allegations of wrongdoing, and should not be held liable in this matter.

In an affidavit submitted by Virginia Fox Farrell, Director of Compliance for Respondent A.J. Michaels & Co., Ltd., Ms. Farrell asserted it is her belief Claimant is attempting to blame Respondent Romansky for the loss of his son's college funds rather than admit responsibility for the transactions to his wife.

In an opposition to the affidavit, Claimant maintained that Ms. Farrell's conclusions are without merit and merely an attempt on her part to distance Respondent A.J. Michaels & Co., Ltd. from the claim.

RELIEF REQUESTED

Claimant Richard D. Romansky, requested \$6,465.00 in actual damages, plus margin interest at 9 3/4% from December 14, 1994 to January 24, 1995.

Respondent A.J. Michaels & Co., Ltd., 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, Marc L. Ripp, Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant Richard D. Romanski, on April 27, 1995, and by the Respondent A.J. Michaels & Co., Ltd., on July 28, 1995, and by Respondent James A. Romansky, on September 27, 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 A.J. Michaels & Co., Ltd. is liable and shall pay to the Claimant Richard D. Romanski, \$6,465.00 in actual damages.
2. The claims of the Claimant Richard D. Romanski, against the Respondent James A. Romansky are dismissed in their entirety.
3. The Claimant's request for interest is denied.
4. The parties shall bear their respective costs.
5. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Richard D. Romanski, shall be retained by the NASD, Inc.

Page Three
Award 95-02112

AFFIRMATION

I, MARC L. RIPP, ESQ., 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.



MARC L. RIPP, ESQ.

DATE OF DECISION: March 22, 1996