

5/96 76005134

NASD AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, I-NC.

In the Matter of the Arbitration Between

Name of Claimant

Jacob Mazin,
Boris Bukshtaber and
Kenneth Bollig

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and

95-04128

Name of Respondent

Olde Discount Corporation

REPRESENTATION OF PARTIES

Jacob Mazin, Boris Bukshtaber and Kenneth Bollig (collectively as "Claimants") were represented by Thomas J. Kimmell, Esq., Zarlengo & Kimmell, LLC, Denver, Colorado.

Olde Discount Corporation ("Respondent") was represented by Karen L. Brink, Esq., Olde Discount Corporation, Detroit, Michigan.

CASE INFORMATION

The Statement of Claim was filed on or about August 29, 1995. Amended Statement of Claim was filed on or about November 13, 1995. Submission Agreement of Claimant Jacob Mazin was signed on August 15, 1995. Submission Agreement of Claimant Boris Bukshtaber was signed on August 15, 1995. Submission Agreement of Claimant Kenneth Bollig was signed on August 7, 1995.

Statement of Answer was filed by Respondent Olde Discount Corporation on or about October 20, 1995. Submission Agreement of Respondent Olde Discount Corporation was signed on October 6, 1995 by Thomas P. Fitzgerald, Esq.

HEARING INFORMATION

The hearing was held on Tuesday, May 21, 1996 for two (2) sessions and Wednesday, May 22, 1996 for two (2) sessions in Denver, Colorado for a total of four (4) sessions.

CASE SUMMARY

Claimants alleged that Respondent engaged in violations of the Colorado Securities Act and made material misrepresentations. Specifically, Claimants alleged that on or about arch 17, 1994, Donald Webster, acting on behalf of Respondent advised them that Amtech Corporation had been awarded a contract for the electronic toll collection system administered by the toll authorities in New Jersey, New York and Pennsylvania and that the statement was false. Claimant Mazin also alleged that he incurred damages as a result of selling stock in Dell to purchase shares of Amtech in reliance of the statement made to him by Donald Webster.

Respondent denied the allegations set forth in the Statement of Claim. Respondent specifically stated that Claimants were never told that the contract had been awarded. Olde also stated that over the lives of their accounts held at Olde, Claimants pursued very aggressive investment strategies which included both margin and option trading. In addition, Respondent stated that although each of the Claimants was aware of, and approved, all of the trades in their accounts, Claimant Mazin had trading authority over all of the accounts at issue in this matter. It was further stated that the recommendation to purchase Amtech was based upon a recommendation made by the research department of Olde.

RELIEF REQUESTED

Claimant Mazin requested an award in the amount of \$31,000 for the purchase of Amtech and \$3 1,500 for the sale of Dell. Claimant Bukshtaber requested an award in the amount of \$26,000. Claimant Bollig requested an award in the amount of \$19,200. All Claimants requested interest, costs and attorneys' fees.

Respondent that this panel find in its favor and award it costs and attorneys' fees incurred in defending this matter.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD.

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted in this matter shall be and hereby are dismissed in their entirety.

2. Each party shall bear its own costs, expenses and attorneys' fees incurred in this matter not specifically enumerated herein.

FORUM FEES

Forum fees are calculated at the rate of \$500 per hearing session and \$300 for each prehearing conference, if any. There were four (4) sessions x \$500 = \$2,000 in forum fees. Pursuant to §43(b) a hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with an arbitrator, which lasts four (4) hours or less.

Pursuant to §43(c) of the NASD Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. ("NASD") shall **retain** the non-refundable filing fee in the amount of \$150 and shall **retain** as forum fees the hearing session deposit in the amount of \$500 previously deposited with the NASD by the Claimants Jacob Mazin, Boris B'ukshtaber and Kenneth Bollig. Claimants Jacob Mazin, Boris Bukshtaber and Kenneth Bollig shall be and hereby are jointly and severally liable for and shall pay to the NASD the sum of \$1,500 as the balance due for forum fees.

Pursuant to §45 of the NASD Code of Arbitration Procedure, the NASD shall **retain** the non-refundable member surcharge in the amount of \$300. **Fees are payable to the National Association of Securities Dealers, Inc.**

Dated:

May 23, 1996

May 30, 1996

May 26, 1996