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NASD AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Paolo Mauro Traveni

Claimant

NASD Arbitration
No. 95-04709

v.

*National Discount Brokers
J.B. Oxford & Company, Inc.

Respondents

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REPRESENTATION OF PARTIES

Paolo Mauro Traveni ("Claimant") represented himself, pro se.

National Discount Brokers ("Respondent") was represented by David E. Robbins, Esq., Kaufman, Feiner, Yamin, Gilden & Robbins, New York, New York.

J.B. Oxford & Company, Inc. ("Respondent") was represented by Scott G. Monson, Esq., J.B. Oxford & Company, Inc., Los Angeles, California.

CASE INFORMATION

Claimants Statement of Claim was filed on or about October 4, 1995. Claimants Submission Agreement was signed on September 27, 1995.

National Discount Brokers Statement of Answer was filed on or about November 29, 1995. The Submission Agreement for National Discount Brokers was signed on November 23, 1995.

J.B. Oxford & Company's Statement of Answer was filed on or about December 5, 1995. The Submission Agreement for J.B. Oxford & Company was signed on December 6, 1995.

HEARING INFORMATION

A pre-hearing conference was held on June 10, 1996.

The hearing was held on July 1, 1996 in San Francisco, California for a total of 1 sessions.

9607142

CASE SUMMARY

Claimant alleged that when he notified National Discount Brokers of his desire to transfer his entire account to J.B. Oxford & Company certain funds were retained by National Discount Brokers. By retaining certain funds Claimant alleged that he lost the opportunity to make certain trades at J.B. Oxford & Company. Claimant further alleged that due to the improper transfer he suffered a house maintenance call at J.B. Oxford & Company and was forced to liquidate some positions.

National Discount Brokers "National" denied the allegations set forth in the Statement of Claim. National specifically argued Claimant was aware of certain restrictions placed on transferred funds by the clearing firm, Pershing. National further argued that the funds withheld were in accordance with the agreement that the Claimant received and that per Pershing's procedure the funds were transferred ten days after the last margin charge hit the account.

J.B. Oxford & Company, Inc. "J.B. Oxford" denied the allegations set forth in the Statement of Claim. J.B. Oxford specifically argued that because the Claimant failed to ensure a complete transfer had taken place prior to placing an orders, Claimant is responsible for any house maintenance calls and subsequently any positions which needed to be liquidated to cover these calls.

RELIEF REQUESTED

Claimant requested an award in the amount of \$46,540.00 plus interest.

Respondent National Discount Brokers requested that the claims asserted be denied in their entirety.

Respondent J.B. Oxford & Company, Inc. requested that the claims asserted be denied in their entirety and that it be awarded attorney's fees and costs.

OTHER ISSUES CONSIDERED & DECIDED

Both Respondents requested that the panel order the Claimant to pay the costs of witnesses which Claimant had testify under subpoena and which Claimant would not consent to have testify via telephone.

The parties have agreed to receive conformed copies of the award while the original remains on file with the NASD.

AWARD

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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. Respondent National Discount Brokers is liable and shall pay to Claimant the sum of \$140.02, representing the interest owing on the account.
2. Claimant is liable and shall pay to National Discount Brokers the sum of \$1,075.00 in costs associated with appearance of witness Robert Gammino, who testified in person under subpoena at the hearing.
3. Claimant is liable and shall pay to J.B. Oxford & Company the sum of \$502.00 in costs associated with appearance of witnesses Alec Campbell and Mark Lewis, who testified in person under subpoena at the hearing.
4. Each and every claim against J.B. Oxford & Company, Inc. is dismissed.

FORUM FEES

Forum fees are calculated at the rate of \$400 per hearing session and \$300 for each prehearing conference, if any. There was 1 prehearing session x \$300 plus 1 hearing session x \$400 = \$700 in forum fees. Pursuant to §43(b) of the NASD Code of Arbitration Procedure (the "Code"), 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 Code of Arbitration Procedure, the Claimant and National Discount Brokers shall divide the forum fees 50%-50%.

Total Fees

1 Prehearing Session @ \$300.00 -	\$300.00
1 Hearing Sessions @ \$400.00 -	\$400.00
Total	\$700.00

Claimant's 1/2 share	\$350.00
Claimant's credit for deposit	<u>\$400.00</u>
Claimant's balance/refund	\$ 50.00


Respondent's 1/2 share	<u>\$350.00</u>
Respondent's Balance	\$350.00

Pursuant to §43(c) of the Code, the NASD shall retain the non-refundable filing fee in the amount of \$120 previously deposited with the NASD by the Claimant Paolo Mauro Traveni.

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Pursuant to §45 of the Code, the NASD shall retain the member surcharge fee due or owing from the Respondents. The member surcharge amount is \$200.00.

Fees are payable to the National Association of Securities Dealers, Inc.



Walter P. Hitchcock, Esq.
Public Arbitrator, Presiding Chair

Dated: _____

Linda M. McCoy, C.P.A.
Public Arbitrator

Paul A.D. Evans
Industry Arbitrator

Date served: 7/19/96

9607142

NASD Arbitration No. 95-04709

Award Page 4 of 3

Pursuant to \$45 of the Code, the NASD **shall** retain the member surcharge fee due or owing from the Respondents. The member surcharge amount is \$200.00.

Fees are payable to the National Association of Securities Dealers, Inc.

Dated:

Walter P. Mitchcock, Esq.
Public Arbitrator, Presiding Chair

Linda M. McCoy, C.P.A.
Public Arbitrator

7/16/96

Paul A.D. Evans
Industry Arbitrator

Date Served: 7/19/1996

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NASD Arbitration No. 9504709
Award Page 4 of 3

Pursuant to §45 of the Code, the NASD shall retain the member surcharge fee due or owing from the Respondents. The member surcharge amount is \$200.00.

Fees are payable to the National Association of Securities Dealers, Inc.

Dated:

Walter P. Hitchcock, Esq.
Public Arbitrator, **Presiding Chair**

Linda M. McCoy, C.P.A.
Public Arbitrator



Paul A.D. Evans
Industry Arbitrator

Date served: 7/19/96