

AWARD
NASD Regulation, Inc.

In the Matter of the Arbitration Between

Name of Claimants

Peter Bleas; and
George Skoubis

98-00043

Name of Respondent

Pacific Brokerage Services Inc., n/k/a
Dreyfus Brokerage Services, Inc.

REPRESENTATION

For Claimants: Peter Bleas ("Bleas") and George Skoubis ("Skoubis") were represented by Kenneth K. Ditkowsky, Esq. of Ditkowsky and Contorer, located in Chicago, Illinois.

For Respondent: Pacific Brokerage Services Inc., now known as Dreyfus Brokerage Services, Inc. ("PBS") was represented by Timothy G. McDermott, Esq. of Gardner, Carton & Douglas, located in Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed: December 16, 1997.

Claimants' Submission Agreement signed on: March 18, 1998.

Statement of Answer filed by Respondent on: May 21, 1998.

Respondent's Submission Agreement signed on: May 7, 1998.

HEARING INFORMATION

Pre-Hearing Conference: October 14, 1998 for one session.

Hearing Date/Sessions: March 11, 1999 for two sessions.

Hearing Location: Chicago, Illinois.

CASE SUMMARY

Claimants alleged that Respondent negligently purchased more shares than they ordered, but failed to correct the error. As alleged in the claim, Bleas ordered 100 shares of DeKalb Genetic Corporation ("DGC") stock. On May 19, 1996, PBS sent a confirmation showing the purchase of 1,000 shares of DGC. Bleas immediately called PBS and informed them of the error, but they ignored his complaints and sold Claimant's Amerquest stock without his authority, billing Bleas

for the deficiency in his account. In addition, it was alleged that Skoubis ordered 1,000 shares of stock, but received 2,000.

Respondent denied any liability pursuant to the claim, asserting that on April 24, 1996, Bleas placed a good-until-canceled order to purchase 1,000 shares of DGC. Bleas received partial execution of 500 shares on April 25 and the remainder on April 26, 1996. On April 29, Bleas called PBS and said he would not pay for the purchase, claiming he only ordered 100 shares. PBS sold 900 shares of DGC. On May 10, when payment was not received, PBS sold the remaining 100 shares of DGC and 5,000 shares of Ameriquest pursuant to Federal regulations and the customer agreement to cover the debit balance in Bleas' account. In addition, Respondent alleged that Skoubis did not file a valid statement of claim.

RELIEF REQUESTED

Claimant Bleas requested entry of an award for compensatory damages of \$5,000.00; interest at the rate of 9% per annum; attorneys' fees and punitive damages in the sum of \$10,000.00. Skoubis was not seeking any compensatory damages.

Respondent requested that the claims be dismissed and judgment be in its favor.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that they will receive conformed copies of the Award while the original remains on file with the NASD.

AWARD

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

1. Respondent Pacific Brokerage Services Inc., n/k/a Dreyfus Brokerage Services, Inc. is liable for and shall pay to Claimant Peter Bleas the sum of \$3,966.50 as compensatory damages;
2. The claims filed by Claimant George Skoubis are dismissed with prejudice;
3. The claims for punitive damages are dismissed with prejudice;
4. The parties shall bear their own costs of arbitration, including attorneys' fees, except for those specifically enumerated herein; and
5. Any relief not specifically granted is hereby denied.

NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION
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OTHER COSTS

Pursuant to Rule 10333 of the Code, Respondent Pacific Brokerage Services Inc., n/k/a Dreyfus Brokerage Services, Inc. has paid to NASD Regulation, Inc. the \$400.00 member surcharge.

FORUM FEES

Pursuant to Rule 10332[c] of the Code of Arbitration Procedure, the following Forum Fees are assessed: One pre-hearing conference x \$300.00 = \$300.00; Two hearing sessions x \$300.00 per session = \$600.00; Total forum fees = \$900.00.

The NASD Regulation, Inc. Office of Dispute Resolution shall retain the \$100.00 claim filing fee and, as forum fees, the \$300.00 hearing session deposit paid by the Claimants, Peter Bleas and George Skoubis. In addition, Claimant Peter Bleas is liable for and shall pay to the NASD Regulation, Inc. Office of Dispute Resolution the sum of \$150.00 as additional forum fees. Respondent Pacific Brokerage Services Inc., n/k/a Dreyfus Brokerage Services, Inc. is liable for and shall pay to the NASD Regulation, Inc. Office of Dispute Resolution the sum of \$450.00 as forum fees.

Concurring Arbitrators' Signatures
Name


David Muschler, Esq.
Public Arbitrator

Date

4/2/99

For ODR Use Only
Date of Decision: _____