

N.A.S.D. REGULATION AWARD
NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.

CASE: 99-02712

Tyrolean Investment Properties, Inc., and Thomas F. Preston, claimants vs. Charles Schwab, Ron DeCosta, and Geri Allison, respondents.

ATTORNEYS:

For Claimants Tyrolean Investment Properties, Inc. ("Tyrolean"), and Thomas F. Preston ("Preston"), appeared Thomas F. Preston, President of Tyrolean Investment Properties, Inc., Phoenix, AZ.

For Respondents Charles Schwab & Company, Inc., Ron DeCosta, and Geri Allison (collectively, "Respondents"), Mauricio S. Beugelmans, Esq., Office of Corporate Counsel, San Francisco, California.

DATE FILED: 6/14/1999

CASE SUMMARY: Claimant maintained that on December 30, 1998 he placed an order to purchase 1000 shares of Genesis. Claimant further maintained that although the account had reached its marginable limit, the order was executed. Claimant alleged that he attempted to stop the transaction but he was unable to get into the system. Claimant further alleged that as the day progressed the stock continued to decline and as a result he has incurred financial loss.

Respondents in their Counterclaim alleged that the liquidation of Claimant's account left an unsecured debit balance which is due and owing. In addition, Respondents requested that this case be expunged from their record.

Claim Data

Claim: \$21,164.24
Filing Fees: unspecified
Other: unspecified

Award Data

Award: \$.00
Filing Fees: \$.00
Other: \$.00

Counterclaim

Claim: \$12,389.84
Interest: 8.50% from February 1, 1999
to the date of the award
Costs: unspecified
Specific Performance: expungement

Award Data

Award: \$12,389.34
Interest: at 8.50% from February 1,
1999 to the date of the award
Costs: 1,050.00
Specific Performance: granted


AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimant are hereby dismissed in their entirety. 2) Tyrolean and Preston are hereby jointly and severally liable and shall pay to Schwab \$12,389.84. 3) Tyrolean and Preston are hereby jointly and severally liable and shall pay to Schwab interest at the rate of 8.50% from February 1, 1999 to the date of the award. 4) All other relief requests are denied. 5) The \$425.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by Tyrolean and Preston, shall be retained by NASD Regulation, Inc. 6) The \$1050.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by Schwab, shall be retained by NASD Regulation, Inc. 7) Tyrolean and Preston are hereby jointly and severally liable and shall pay Schwab \$1,050.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent Charles Schwab & Company, Inc., has paid to NASD Regulation, Inc. the \$400.00 Member Surcharge previously invoiced.

OTHER ISSUES: Upon confirmation of this Award by a court of competent jurisdiction, NASD Regulation, Inc., shall expunge all references to this arbitration from the permanent CRD records of Respondents Ron Decosta and Geri Allison.

AFFIRMATION

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



Eve Schocket, Esq.

March 24, 2000

Date of award