

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Helen Wilson, (Claimant) vs. Klein, Maus and Shire, Inc., SG Cowen Securities Corporation,  
and Maurice Gross, (Respondents)

Case Number: 99-02839

Hearing Site: New York, New York

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**REPRESENTATION OF PARTIES**

Claimant, Helen Wilson, hereinafter referred to as "Claimant": Edward Weissman, Esq., Law  
Office of Edward Weissman, New York, NY.

Respondent, SG Cowen Securities Corporation ("Cowen"): Peter Byer, Esq., Assistant General  
Counsel, SG Cowen Securities Corporation, New York, NY.

Respondents, Klein, Maus and Shire, Inc. ("Klein") and Maurice Gross ("Gross"), did not make  
appearances in this matter.

**CASE INFORMATION**

Statement of Claim filed on or about: June 21, 1999.

Claimant signed the Uniform Submission Agreement: June 14, 1999.

Statement of Answer filed by Cowen on or about: September 21, 1999.

Cowen signed the Uniform Submission Agreement: September 22, 1999.

Klein did not file a Statement of Answer or sign a Uniform Submission Agreement.

Gross did not file a Statement of Answer or sign a Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of action: unauthorized trading and unsuitability.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$80,000.00 plus interest,  
attorneys' fees, and costs.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators (the "Panel") determined that Respondents Klein and Gross have been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondents present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Klein and Gross did not file with NASD Dispute Resolution, Inc. properly executed submissions to arbitration but are required to submit to arbitration pursuant to the Code and are bound by the determination of the Panel on all issues submitted.

Prior to the hearing in this matter, Claimant withdrew her claims against Cowen.

The Panel granted Claimant's request to testify telephonically at the hearing.

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.

### **AWARD**

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

1. Klein and Gross be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$84,775.00 as compensatory damages, plus interest at the rate of 9% per annum accruing from November 9, 1998 until full payment of the award.
2. Upon full payment to Claimant of the Award and interest, Claimant shall transfer to Klein and Gross 12,000 shares of Dectron International stock owned by Claimant (or such shares as are then still owned by Claimant). The amount of the above-referenced Award shall be reduced by the amount of net proceeds, if any, received by Claimant upon the sale of any or all of said 12,000 shares of Dectron International prior to the recovery of this Award.
3. Klein and Gross be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$225.00, to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution, Inc.
4. All other requests for relief are hereby denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 225.00

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, SG Cowen Securities Corporation is a party.

Member surcharge = \$1,000.00

Pre-hearing process fee = \$ 200.00

#### **Forum Fees and Assessments**

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$750.00 = \$ 750.00

Pre-hearing conference: August 1, 2000 1 session

One (1) Hearing session x \$750.00 = \$ 750.00

Hearing Date: September 18, 2000 1 session

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Total Forum Fees = \$1,500.00

The Panel has assessed all of the forum fees jointly and severally against Klein and Gross.

### **Fee Summary**

1. Claimant be and hereby is solely liable for:

Initial Filing Fee = \$ 225.00

Total Fees = \$ 225.00

Less payments = \$ 975.00

Refund Due Claimant = \$ 750.00

*As stated in the "Award" section above, Klein and Gross are jointly and severally liable and shall reimburse Claimant for the \$225.00 filing fee.*

2. Cowen be and hereby is solely liable for:

<u>Member Fees</u>	= \$1,200.00
<u>Total Fees</u>	= \$1,200.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$1,200.00

3. Klein and Gross be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	= \$1,500.00
<u>Total Fees</u>	= \$1,500.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$1,500.00

All balances are due and payable to NASD Dispute Resolution, Inc.

**Concurring Arbitrators' Signatures**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

\_\_\_\_\_  
Bernard S. Carrey, Esq.  
Public Arbitrator, Presiding Chair

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Richard J. Schulman, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

  
\_\_\_\_\_  
Roger J. Hawke, Esq.  
Industry Arbitrator

10/19/2000  
\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
November 3, 2000  
Date of Service (For NASD office use only)

**Concurring Arbitrators' Signatures**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

\_\_\_\_\_  
Bernard S. Carrey, Esq.  
Public Arbitrator, Presiding Chair

\_\_\_\_\_  
Signature Date

  
\_\_\_\_\_  
Richard J. Schulman, Esq.  
Public Arbitrator

\_\_\_\_\_  
10/19/00  
Signature Date


\_\_\_\_\_  
Roger J. Hawke, Esq.  
Industry Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
November 3, 2000  
~~Date of Service (For M.F.E.D. effect awards)~~

**Concurring Arbitrators' Signatures**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

  
Richard S. Carrey, Esq.  
Public Arbitrator, Presiding Chair

October 23, 2000  
Signature Date

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Richard J. Schulman, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

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Roger J. Hawke, Esq.  
Industry Arbitrator

\_\_\_\_\_  
Signature Date

November 3, 2000  
Date of Service (For NASD office use only)