

**AWARD**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between

Name of Claimant

William R. Winter, Jr.

and

00-01044  
Minneapolis, Minnesota

Name of Respondents

Barron Chase Securities  
Sean M. Zausner

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**REPRESENTATION OF PARTIES**

William R. Winter, Jr. ("Claimant") was represented by Albert A. Woodward, Esq., Leonard Street and Deinard, P.A., Minneapolis, Minnesota.

Barron Chase Securities ("Respondent Barron Chase") was represented by Brett Alan Verona, Esq., Tampa Florida. Respondent Barron Chase did not appear at the hearing.

Sean M. Zausner ("Respondent Zausner") was represented by David J. Feingold, Esq., Feingold & Kam, Palm Beach Gardens, Florida.

**CASE INFORMATION**

The Statement of Claim was filed on or about March 9, 2000. Submission Agreement of Claimant William R. Winter, Jr. was signed on March 7, 2000.

Statement of Answer was filed by Respondent Barron Chase Securities on or about May 1, 2000. Submission Agreement of Respondent Barron Chase Securities was signed on March 21, 2000.

Statement of Answer was filed by Respondent Sean M. Zausner on or about October 2, 2000. Submission Agreement of Respondent Sean M. Zausner was signed on October 12, 2000.

**CASE SUMMARY**

Claimant alleged that Respondent Zausner made an unauthorized sale of 2,000 shares of Vialink Company on November 19, 1999.

Respondent Barron Chase denied the allegations set forth in the Statement of Claim. It was specifically stated that Claimant gave verbal authorization to respondent Zausner to sell the disputed security when he felt it was appropriate.

Respondent Zausner denied the allegations asserted against him. Respondent Zausner also stated that all actions taken were with the knowledge, consent and approval of the Claimant.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested an award in the amount of \$320,068.

Respondent Barron Chase requested that this claim be dismissed and that it be awarded reasonable costs and fees as the Panel may deem warranted.

### **OTHER ISSUES CONSIDERED & DECIDED**

The undersigned arbitrators have determined that Respondent Barron Chase Securities had received due notice of the hearing as required under Rule 10315 of the Code and that arbitration of the matter would proceed pursuant to Rule 10318 of the Code.

At the close of Claimant's case in chief, Respondent Zausner moved to dismiss. After considering the arguments presented on behalf of the parties, the evidence and testimony taken to that point, and the pleadings, the undersigned arbitrators denied the Motion to Dismiss.

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 Dispute Resolution, Inc. (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. Respondent Barron Chase Securities shall be and hereby is liable for and shall pay to the Claimant William R. Winter, Jr. the sum of \$8,125 (**Eight Thousand One Hundred Twenty Five Dollars**) as compensatory damages.
2. The claims asserted against Respondent Zausner shall be and hereby are dismissed in their entirety.

3. That to the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice.
4. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys fees.

### **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 = \$300.00

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is Barron Chase Securities.

Member surcharge = \$1,500.00  
Pre-hearing process fee = \$ 600.00  
Hearing process fee = \$2,500.00

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

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

One (1) Pre-hearing session(s) with Panel x \$1,125.00 = \$1,125.00  
Pre-hearing conference(s): August 22, 2000 1 session  
  
Two (2) Hearing sessions x \$1,125.00 = \$2,250.00  
Hearing Date(s): February 8, 2001 2 sessions  
  
Total Forum Fees = \$3,375.00

The Arbitration Panel has assessed \$3,375.00 of the forum fees to Barron Chase Securities.

**Fee Summary**

Claimant, William R. Winter, Jr., shall be and hereby is liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= \$ 0.00
Total Fees	= \$ 300.00
<u>Less payments</u>	= <u>\$1,425.00</u>
Balance to be refunded by NASD Dispute Resolution, Inc.	= \$1,125.00

Respondent, Barron Chase Securities, shall be and hereby is liable for:

Member Fees	= \$4,600.00
<u>Forum Fees</u>	= <u>\$3,375.00</u>
Total Fees	= \$7,975.00
<u>Less payments</u>	= <u>\$1,500.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$6,475.00

**All balances are due to NASD Dispute Resolution, Inc.**

Dated:

/s/ Douglas D. McFarland  
Douglas D. McFarland, Esq.  
Public Arbitrator, Presiding Chair

February 13, 2001

/s/ Steven E. Reichert  
Steven E. Reichert, Esq.  
Public Arbitrator

February 13, 2001

/s/ Paul J. Hennen  
Paul J. Hennen  
Industry Arbitrator

February 15, 2001

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Douglas D. McFarland, Esq.  
Public Arbitrator, Presiding Chair

Dated:

Feb. 13, 2001

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Steven E. Reichert, Esq.  
Public Arbitrator

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Paul J. Hennen  
Industry Arbitrator

NASD Dispute Resolution, Inc.  
Arbitration No. 00-01044  
Award Page 4 of 4

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Public Arbitrator, Presiding Chair

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*Steven E. Reichert*  
Steven E. Reichert, Esq.  
Public Arbitrator

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Paul J. Hennen  
Industry Arbitrator

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2/13/01  
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02/13/01 TUE 12:30 FAX

NASD REGULATION

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NASD Dispute Resolution, Inc.  
Arbitration No. 00-01044  
Award Page 4 of 4

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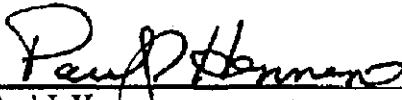
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Paul J. Hermann  
Industry Arbitrator

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