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NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between )  
 )  
Otheo D. Williams, )  
 ) Claimant, )  
 ) Case #87-02293  
vs. ) Award  
 )  
First Jersey Securities, Inc., )  
 )  
Robert E. Brennan and Peter Smith, )  
 ) Respondents. )  
 )  
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CASE SUMMARY

Claimant, Otheo D. Williams ("Williams") alleged that Respondents, First Jersey Securities, Inc. ("First Jersey"), Robert Brennan ("Brennan") and Peter Smith ("Smith") induced Claimant into purchasing speculative, high risk stocks. Specifically, Claimant alleged that: the stocks were unsuitable; Respondents refused to sell pursuant to Claimant's instructions; failed to state the risks involved; omitted material facts; misrepresented the stocks and breached their fiduciary duty. Respondents alleged that the investments were suitable; Claimant was fully informed of the risks; no guarantees were made; First Jersey's status as a market maker was disclosed; all trades were authorized by Claimant; all trades were executed at a price consistent with the market and no sell order was ever refused.

RELIEF REQUESTED

Claimant requested damages in the amount of Four Thousand Three Hundred Thirty and 00/100 (\$4,330.00) Dollars plus interest, punitive damages, attorney's fees and other costs. Respondents requested dismissal of the claim, attorney's fees and other costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Guthrie F. Crowe, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by Claimant on October 15, 1987 and by Respondents First Jersey and Brennan on June 17, 1988 and by Respondent Smith on June 20, 1988. The arbitrator, having considered the proofs of the parties, has determined in full and final resolution of the issues submitted for determination as follows:

1. Respondents, First Jersey, Brennan and Smith are not liable and therefore all claims against them are hereby dismissed.
2. Claimant's request for attorney's fees is hereby dismissed in all respects.
3. Respondent's request for attorney's fees is hereby dismissed in all respects.

4. Pursuant to Section 43 of the Code of Arbitration Procedure, the Claimant is hereby assessed forum fees in the amount of One Hundred and 00/100 (\$100.00) Dollars. The NASD, Inc. shall retain the One Hundred and 00/100 (\$100.00) Dollar filing fee previously deposited by the Claimant in full satisfaction of such forum fees.
5. The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

  
Guthrie F. Crowe

Dated: October 9, 1989