

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In The Matter of The Arbitration Between

Richard & Dorthy Tucker

Claimants

vs.

Piper, Jaffray & Hopwood, Inc.
Scott Franklin

Respondents

Award

NASD No. 88-02970

SUMMARY OF ISSUES

This case was filed on September 20, 1988. Claimants alleged misrepresentation in the purchase of shares of a mutual fund, Keystone Tax Free Fund.

Respondents denied the allegations of Claimants and alleged the following affirmative defenses: claims barred by the applicable statutes of limitation; laches; failure to state a claim upon which relief can be granted; respondents acted in compliance with all applicable rules and regulations and acted in good faith; damages allegedly suffered have no causal relationship with any act or omission attributable to respondents; failure to mitigate damages; claimants did not reasonably rely on any act or omission of respondents; waiver.

DAMAGES AND RELIEF REQUESTED

Claimants requested compensatory damages of \$7,215.56.

Respondents requested costs and disbursements.

DAMAGES AND RELIEF AWARDED

On January 19, 1990 in Seattle, Washington, the undersigned arbitrator heard the controversy in two sessions between the parties as set forth in submissions to arbitration signed by Claimants on September 14, 1988 and by Respondent Piper, Jaffray & Hopwood, Inc. on October 27, 1988. Respondent Franklin submitted to the jurisdiction of the NASD at the hearing and represented he would forward a written submission agreement. The arbitration panel, having

considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. Respondents are jointly and severally liable for and shall pay to claimants the sum of \$5,772.45 in compensatory damages.

2. The parties shall each bear their respective costs including attorneys' fees.

3. In accordance with Section 43 of the National Association of Securities Dealers, Inc. (NASD) Code of Arbitration Procedure, the NASD shall retain the \$200.00 filing fee previously deposited by the Claimant as an assessment of forum fees by the arbitrator.

4. Also in accordance with Section 43, the arbitrator has assessed forum fees of \$200.00 against the respondents, jointly and severally, payable to the NASD.

ARBITRATOR CONCURRING

DATE SERVED: 02/02/90



Harry Jennings