

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

PERCIVAL AND SUSAN TIONGSON

Claimant(s)

and

**THOMSON MCKINNON SECURITIES, INC.
AND GARY DOMKE**

Respondent(s)

Case No. 88-03467

CASE SUMMARY

In a claim filed with the NASD on or about November 8, 1988, Claimants Percival and Susan Tiongson, ("Claimants") alleged that Respondents Thomson McKinnon Securities, Inc. ("Thomson McKinnon") and Gary Domke ("Domke") (collectively as "Respondents") solicited their purchase of units of TM Pacifica Prestonwood Ltd. Claimants alleged that they were not suitable for this investment and that Respondents made material misrepresentations to induce them to purchase the units.

In their joint answer filed with the NASD on or about December 11, 1989, Respondents denied the allegations that Claimants were not suitable for the investment. Respondents asserted the affirmative defenses that the claims asserted were barred by an express written release and the claims are barred by statute of limitations.

PROCEDURAL SUMMARY

Respondent Thomson McKinnon Securities, Inc. was dismissed without prejudice in accordance with the automatic stay provisions of the U.S. Bankruptcy Code.

RELIEF REQUESTED

Claimant requested an award in the amount of at least \$84,969.78, plus interest, costs and expenses including attorneys' fees.

Respondents requested that the statement of claim be denied.

AWARD

On Tuesday, July 17, 1990 in St. Louis, Missouri, during a hearing lasting two (2) sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on November 5, 1988 by Claimants Percival Tiongson and Susan Tiongson, on January 22, 1990 by Donald G. McCabe on behalf of Respondent Thomson McKinnon Securities, Inc. and on February 6, 1990 by Respondent Gary E. Domke.

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Gary Domke shall be and hereby is liable for and shall pay to the Claimants Percival and Susan Tiongson the sum of Twenty Five Thousand Dollars and No Cents (\$25,000.00);

2. No interest is awarded on the above stated sum;

3. Each party shall bear its own costs and expenses incurred in this matter not specifically enumerated herein; and

4. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain as forum fees, the \$500.00 filing fee previously deposited with the NASD by the Claimant. Respondents Gary Domke shall pay to the NASD the sum of \$500.00 as forum fees.

By the Panel

Dated: July 27, 1990

/S/ Charles E. Jones
Presiding Chair

Dated: August 14, 1990

/S/ Merle Sanguinet
Merle Sanguinet

Dated: August 10, 1990

/S/ Jan Jansen

Date Served: August 21, 1990