

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between)
)
ROBERT J. & CHARLOTTE M. WINE,)
) Claimants,)
) Case #89-00315
vs.) Award
)
BLINDER, ROBINSON & COMPANY, INC.,)
) Respondent.)
)

Heard before the members of the Arbitration Panel:

Guthrie F. Crowe
George R. Canty, Jr.
Douglas Delanoy, Jr.

CASE SUMMARY

This claim was filed with the NASD, Inc. on February 2, 1989. The hearing was conducted in Fort Lauderdale, Florida on March 22nd and 23rd, 1990 with a total of four (4) sessions.

Claimants, Robert and Charlotte M. Wine ("the Wines"), alleged that Respondent, Blinder, Robinson & Co., Inc. ("Blinder"), was liable for: fraud; violation of Florida Statute Section 517.301; unsuitability; negligence; failure to supervise; breach of fiduciary duty; violation of Florida Statute Section 772.101; churning; and breach of contract. These allegations relate to the Claimants' purchases and sales of penny stocks.

Respondent denied liability and asserted the affirmative defenses of: failure to join an indispensable party; estoppel; release; comparative fault; assumption of risks; and failure to state a claim.

RELIEF REQUESTED

Claimants requested damages in the amount of \$45,655.00, plus interest, attorney's fees and other costs.

Respondent requested dismissal of the claim.

AWARD

On March 22nd and 23rd, 1990, the arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants Robert Wine on January 29, 1989 and Charlotte Wine on August 8, 1989, and by Respondent on May 16, 1989. 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. 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 originals remain on file with the NASD, Inc.
2. Respondent, Blinder, is hereby liable and shall pay to Claimants the amount of Forty Five Thousand Six Hundred Fifty Five and 00/100 (\$45,655.00) Dollars, plus interest at the legal rate of 12% per annum from April 27, 1988 until the date the Award is paid.
3. Respondent, Blinder, is hereby liable and shall pay to Claimants the further amount of Twelve Thousand Sixty Three and 75/100 (\$12,063.75) Dollars for costs and attorney's fees pursuant to Section 517.211, Florida Statutes.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, the arbitrators have assessed forum fees in the amount of Three Thousand and 00/100 (\$3,000.00) Dollars (\$750 x 4 sessions). The Respondent is hereby assessed forum fees in the amount of Three Thousand and 00/100 (\$3,000.00) Dollars, Seven Hundred Fifty and 00/100 (\$750.00) Dollars of which shall be paid to the Claimants as a return of their filing fee and Two Thousand Two Hundred Fifty and 00/100 (\$2,250.00) Dollars of which shall be paid to the NASD, Inc. The National Association of Securities Dealers, Inc. shall retain the Seven Hundred Fifty and 00/100 (\$750.00) Dollar filing fee previously deposited by the Claimants.
5. The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

OTHER ISSUES

None.

ARBITRATORS CONCURRING

Guthrie F. Crowe
George R. Canty Jr.
Douglas Delanoy Jr.

Dated: April 24, 1990