

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Barbara Ratzlaff, Trustee

89-00858

Name of Respondent(s)

Gordon K. Williamson  
Gordon K. Williamson & Associates  
The Market Timer, Inc.

Heard before:

Name

Public/Industry

William R. Newsome \_\_\_\_\_

Public \_\_\_\_\_

Marjorie B. Boldeman \_\_\_\_\_

Public \_\_\_\_\_

David N. Mahler \_\_\_\_\_

Industry \_\_\_\_\_

CASE SUMMARY

This matter was initiated by a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on March 20, 1989. Claimants alleged breach of contract, negligence, negligent representation of facts, intentional misrepresentation of facts, concealment of material facts, breach of fiduciary duties and breach of good faith and fair dealing, in connection with Respondents' sale to Claimants of TMT, a stock market timing device. Respondents denied the allegations and asserted fourteen affirmative defenses.

RELIEF REQUESTED

Claimants requested recovery for investment losses in the approximate amount of \$26,000.00 plus general and punitive damages according to proof, interest, attorney's fees and costs of this action. Respondents requested that Claimant take nothing, that judgment be entered in favor of Respondents and against Claimant and the Respondents recover their costs, including attorneys' fees.



AWARD

On February 6, 1991 in San Diego, California during a hearing lasting two sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on April 13, 1989 by Claimant Barbara Ratzlaff, individually and on behalf of the Ratzlaff Family Trust, by Respondent Gordon Williamson on August 3, 1989, on behalf of himself and The Market Timer, Inc..

After considering the pleadings, the testimony, and the evidence presented at the hearing, the arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Each and every claim of Claimants is dismissed.
2. The parties shall each bear their respective costs including attorneys' fees.

FORUM FEES

In accordance with Section 43c of the NASD Code of Arbitration Procedure, the NASD shall retain the \$400 filing fee previously deposited by the Claimant [as an assessment of forum fees by the arbitrators]. In addition, Respondent Gordon Williamson is also assessed fees of \$400. Fees are payable to the National Association of Securities Dealers, Inc.

Concurring Arbitrators Signatures

William R. Newsome  
William R. Newsome

Marjorie B. Boldeman  
Marjorie B. Boldeman

David N. Mahler  
David N. Mahler

Date of Decision: Feb 6 1991



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