

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Edward A. Weiler

89-01107

Name of Respondent(s)

The Robinson-Humphrey Company
Lawrence L. Orr, III
William Effinger

Heard before:

Name

Public/Industry

Christopher J. Moran, Jr., Esq.

Public Arbitrator

REPRESENTATION

Claimant Edward A. Weiler appeared pro se. Respondents The Robinson Humphrey Company, Lawrence L. Orr, III, and William Effinger were represented by Lynda Wilson, Esq. of the law firm of Peterson Dillard Young Self & Asselin in Atlanta, Georgia.

CASE SUMMARY

This claim was initiated by a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on April 12, 1989. Claimant Edward A. Weiler alleged that Respondents through their negligence did not follow his instructions and allow him to sell his shares of a common stock entitled Aaron Rents in order to use the proceeds to buy another common stock entitled Minette, Inc. in August of 1987. Respondents maintained that the broker, Lawrence L. Orr, III, told the Claimant that he did not transact business for his clients in penny stocks, that the Claimant could have purchased the penny stock through another brokerage firm, and that all respondents acted at all times in a professional and ethical manner in accord with exchange and governmental regulations.

RELIEF REQUESTED

Claimant requested that he be allowed to purchase approximately 2,000 shares of Minette, Inc. and sell his Aaron Rent shares at the value that they were in August of 1987. Respondents requested that the claims of the Claimant be dismissed and asserted a motion for attorneys fees and costs pursuant to O.C.G.A. Section 9-11-37 (a) through (d).

AWARD

On March 20, 1991 and April 11, 1991 in pre-hearing conferences and on April 23, 1991 during a hearing lasting two sessions, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant Edward A. Weiler on March 29, 1989, ~~by~~ * Respondent The Robinson Humphrey Company, Inc. on June 15, 1989, ~~by~~ Respondent Lawrence L. Orr, III on July 21, 1989, and by Respondent William Effinger on November 14, 1990. After considering the pleadings, the testimony, and the evidence presented at the hearing, the arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

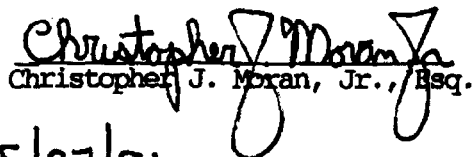
- (1) The claims of the Claimant Edward A. Weiler against Respondents The Robinson Humphrey Company, Inc., Lawrence L. Orr, III, and William Effinger be and hereby are dismissed. *and O.C.G.A. Section 9-11-37 (a) through (d),*
- (2) Respondents' Motion for Attorneys Fees is hereby granted and pursuant to O.C.G.A. Section 9-15-14 (a) and (b), the Claimant Edward A. Weiler shall pay to the Respondents the sum of Eight Thousand Dollars and No Cents (\$8,000.00) in attorneys fees.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed:

- (1) The NASD shall retain the \$100.00 filing fee previously deposited by the Claimant.

Arbitrator Signature


Christopher J. Moran, Jr., Esq.

Date of Decision: 5/27/91