

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Charles E. Henely

Claimant(s)

vs.

Patrick Farrell and
Edward D. Jones & Co.

Respondent(s)

NOTICE OF
ARBITRATION
AWARD
89-01277

CASE SUMMARY

Claimant(s) Charles E. Henely alleged that Respondent(s) Patrick Farrell and Edward D. Jones & Co. breached their fiduciary duty to Claimant by recommending unsuitable investments and misrepresenting the return to be received. Respondent(s) maintain that the claim was filed beyond the time limit for claims under Section 15y of the NASD, Inc. Code of Arbitration Procedure. Further, Respondents deny all allegations of the Claimant regarding misrepresentation and unsuitability.

RELIEF REQUESTED

Claimant(s) Charles E. Henely requested damages of Ten Thousand Dollars and No Cents (\$10,000.00). Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Mark E. Feierstein, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on April 26, 1989 and by Respondent(s) on June 20, 1989 and June 19, 1989, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondents(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

Respondent Edward D. Jones & Co. is separately liable to Claimant in the amount of Four Thousand Two Hundred Fifty Dollars and No Cents (\$4,250.00).

The parties shall each bear their respective costs including attorney's fees.

The \$200.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be retained by the NASD as costs of this proceeding.

December 27, 1989