

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between)
)
DONALD W. BOOTH and EVELYN T. BOOTH,)
) Claimants,)
) Case #89-01384
vs.) Award
)
A.G. EDWARDS & SONS, INC. and)
ROBERT COOK, SR.,)
) Respondents.)
)

Heard before the member of the Arbitration Panel:

George S. Coit Jr., Esq.

CASE SUMMARY

This claim was filed with the NASD, Inc. on April 28, 1989. The hearing was conducted in Tampa, Florida on March 13, 1990 with a total of two (2) sessions.

Claimants Donald W. Booth and Evelyn T. Booth ("the Booths") alleged that Respondents A.G. Edwards & Sons, Inc. ("Edwards") and Robert Cook, Sr. ("Cook") were liable for: misrepresenting the expected return on their investment in Van Kemper Merritt U.S. Government Fund; that the Fund was insured; and that the Claimant's principal would not be reduced.

Respondents denied that Cook assured Claimants that their principal would remain intact or that the Fund was insured. Respondents asserted the defenses for: failure to state a claim; ratification; account stated; waiver; estoppel; laches; failure to mitigate damages; assumption of risk; and the damages were caused by unforeseeable market factors.

RELIEF REQUESTED

Claimants requested damages in the amount of \$2860.50. Respondents requested dismissal of the claim.

AWARD

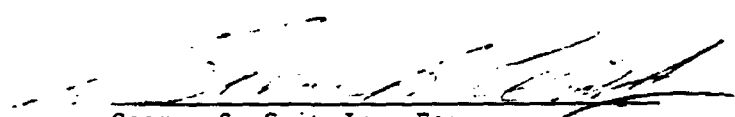
On March 13, 1990, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants on March 23, 1989, and by Respondents Edwards on June 20, 1989 and Cook on June 3, 1989. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. Respondents Edwards and Cook are hereby liable and shall pay to Claimants, jointly and severally, the amount of Five Hundred and 00/100 (\$500.00) Dollars.
2. Respondent Edwards is hereby liable and shall pay to Claimant the further amount of Two Thousand Three Hundred Sixty and 50/100 (\$2,360.50) Dollars.
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the arbitrator has assessed forum fees in the amount of Fifty and 00/100 (\$50.00) Dollars (\$25.00 x 2 sessions). Claimants are hereby assessed forum fees in the amount of Twenty Five and 00/100 (\$25.00) Dollars, and Respondents are hereby assessed forum fees in the amount of Twenty Five and 00/100 (\$25.00) Dollars for which shall be jointly and severally liable. The National Association of Securities Dealers, Inc. shall retain the Twenty Five and 00/100 (\$25.00) Dollar filing fee previously deposited by the Claimants with the NASD, Inc. in full satisfaction of their share of such forum fees.
4. The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including attorney's fees.

OTHER ISSUES

None.

ARBITRATOR CONCURRING



George S. Coit Jr., Esq.

Dated: March 20, 1990