

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

William T. Sisson

90-00267

Name of Respondent(s)

Rauscher Pierce Refsnes, Inc.

Douglas W. Norsten

Simeon R. Trotter

Harry Ballard

Claire Lewis

Heard before:

Name

Marc C. Scott, Jr.

Steven K. Lum

Michael L. Diersen

Public/Industry

Public Chairman

Public

Industry

CASE SUMMARY

This matter was initiated by a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on January 24, 1990.

Claimant William T. Sisson (Sisson) brings this claim against Rauscher Pierce Refsnes, Inc. (RPR), Simeon Trotter (Trotter), Harold Ballard (Ballard), Clair Lewis (Lewis) and Douglas W. Norsten (Norsten).

Claimant, Sisson, alleges that he purchased, through Respondent broker, Norsten, 30,000 shares of a common stock at \$.65 each. Sisson claims that Norsten guaranteed that the shares would be offered to the public for \$1.00 per share within 120 days of this transaction however, no public offering was made. Sisson claims that he made numerous attempt to have the certificates transferred to his name but was unsuccessful. Sisson also alleges that Norsten gave him a promissory note for \$20,000.00 but said note is apparently uncollectible.

Claimant, Sisson, named Respondents RPR, Trotter, Ballard and Lewis under the theory of respondent superior.

Respondents, RPR, Trotter, Ballard, and Lewis, answering jointly allege, that the transaction which resulted in the Claimant's loss was in the nature of a private venture of which respondents claim no knowledge. None of the confirms and statements issued by RPR to Sisson reflect any transaction in the stock of the company at issue. This is also evidenced by the share certificates, cancelled checks used for the purchase and the personal promissory note issued to Sisson by Norsten.

AWARD

On March 28, 1991 in Las Vegas, Nevada, during a hearing lasting one session, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant, William T. Sisson on January 18, 1990, and signed by Sharon J. Shumway on behalf of Respondent, Rauscher Pierce Refsnes, Inc. on March 16, 1990, by Respondent Simeon R. Trotter on March 16, 1990, by Respondent Clair A. Lewis on March 30, 1990, and by Respondent Harold W. Ballard on March 30, 1990. Respondent Douglas W. Norsten did not submit a submission agreement or an answer to the claim.

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 Claimant against Respondent Rauscher Pierce Refsnes, Inc. is dismissed.
2. Each and every claim of Claimant against Respondent Simeon R. Trotter is dismissed.
3. Each and every claim of Claimant against Respondent Clair A. Lewis is dismissed.
4. Each and every claim of Claimant against Respondent Harold W. Ballard is dismissed.
5. The panel made no disposition of the claim against Respondent Douglas W. Norsten due to lack of proof of service of the claim and service of the notice of the hearing. The panel determined that it did not have personal jurisdiction.
6. The parties shall each bear their respective costs including attorneys' fees.

FORUM FEES

In accordance with Section <43c/44c> of the NASD Code of Arbitration Procedure, the NASD shall retain the \$750.00 filing fee previously deposited by the Claimant. No additional forum fees are assessed.

Steven K. Lum

Date of Decision: _____