

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
Louis S. & Bobbie Lee Wiles :
Claimants : CASE #90-00988
vs. : AWARD
Frank Boehm, III :
A.G. Edwards & Sons, Inc. :
Respondents :

CASE SUMMARY

Louis and Bobbie Lee Wiles, in a claim filed with the National Association of Securities Dealers, Inc. on April 4, 1990, alleged that Respondents Frank Boehm, III and his employer, A.G. Edwards & Sons, Inc., misrepresented an investment recommended to Claimants by Mr. Boehm. Claimants further allege that said investment was totally unsuitable for them and against their investment objectives.

Respondents, Frank Boehm, III and A.G. Edwards & Sons, Inc., maintained that Claimants were knowledgeable investors who authorized all trades in their accounts. Respondents state that Claimants failed to mitigate their damages and did not promptly notify Respondents of the alleged acts and omissions complained of after receipt of the written confirmations.

Claimants reply that they are not sophisticated investors, have an income of less than \$25,000.00, as claimed by Respondents, and had relied totally on their brokers', Mr. Boehm, advice.

Claimants defend that they were totally unaware that by signing a Joint Account Agreement with Respondents that they would possibly be liable for any expenses, including the Respondent's attorneys fees for defending any action brought.

RELIEF REQUESTED

Claimants request damages of Four Thousand Seven Hundred Seventy Dollars and Sixty-Eight Cents (\$4,770.68) plus interest from August 1989.

Respondents issue a Counterclaim for One Thousand Two Hundred Dollars and No Cents (\$1,200.00) representing attorney's fees.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Virginia M. Handal, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on March 29, 1990 and by the Respondent Frank Boehm on May 1, 1990 and A.G. Edwards & Sons, Inc. on May 18, 1990;

And, that the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. The Respondents are jointly and severally liable to Claimants for damages and interest totalling One Thousand Nine Hundred Sixty-Two Dollars and Thirty Cents (\$1,962.30).
2. Respondent's counterclaim is dismissed in its entirety.
3. The parties shall bear their respective costs including attorney's fees.
4. The One Hundred Dollars and No Cents (\$100.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants is assessed against the Respondents and payable to Claimants by the Respondents.

AFFIRMATION

I, Virginia M. Handal, Esq., do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.

Virginia M. Handal
Signature of Arbitrator

DATED: January 16, 1991