

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
James P. and Eileen A. Goulette, JTWR0S :
Claimant :
vs. : CASE #90-02471
Chuck Barker : AWARD
Hibbard Brown & Co., Inc. :
Respondents :

CASE SUMMARY

James P. and Eileen A. Goulette, in a claim filed with the National Association of Securities Dealers, Inc. on September 6, 1990, alleged that Respondent Chuck Barker, a registered representative with Hibbard Brown & Co., Inc., sold him inappropriate securities, unregistered stock, was involved in a trading scheme and failed to provide adequate services.

Respondents maintained that all investments were registered or exempt from registration in Missouri, were suitable and according to Claimant's investment objectives. Mr. Barker states that he never made price predictions or guarantees.

Respondent's amended their Statement of Answer to assert that upon opening their customer account, Claimants indicated that based on their prior investment experiences, they were seeking to invest for long term growth and speculation for higher yields. Respondents assert that Claimants indicated that most of their children were on their own, putting them in a more comfortable position to invest and that there is no recollections of ever being informed of any health care expenses.

Claimant, in reply to Respondent's Amended Statement of Answer, states that the only investment experiences he had prior to dealing with Hibbard Brown was U.S. Savings Bonds and mutual funds purchased in conjunction with his life insurance program. He states that he was never informed that stocks sold to him were not registered and that he does not understand the term "qualified for exemption". He confirms that Mr. Barker never invited him to meet with him at his office and that Mr. Barker did not return his phone calls. He states that having a "full service" broker should have entitled him to a higher level of management, supervision and

recommendations. He continues that the investments in question were not a small part of his net worth but represented a third of Claimants liquid worth.

RELIEF REQUESTED

Claimants request Seven Thousand Twenty Dollars and Fifty Cents (\$7,020.50) in damages plus 6% interest from the date of purchase of the four stocks in question.

Respondents assert that there is no basis for this claim.

AWARD

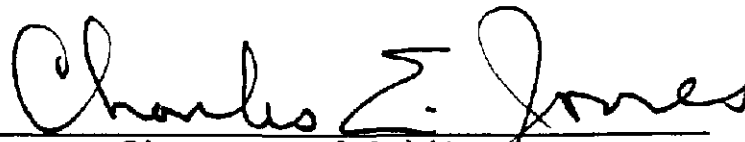
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Charles E. Jones, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on August 30, 1990 and by both Respondents on November 20, 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. That the Respondents, Chuck Barker and Hibbard Brown & Co., Inc., are jointly and severally liable and shall pay to the Claimants the sum of Seven Thousand Twenty Dollars and Fifty Cents (\$7,020.50).
2. That Claimants request for interest be, and hereby is, denied.
3. The parties shall bear their respective costs including attorney's fees.
4. The One Hundred Fifty Dollars and No Cents (\$150.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants is assessed jointly and severally against the Respondents and payable by the Respondents to the Claimants.

AFFIRMATION

I, **CHARLES E. JONES**, 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.



Signature of Arbitrator

DATED:

March 17, 1991