

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

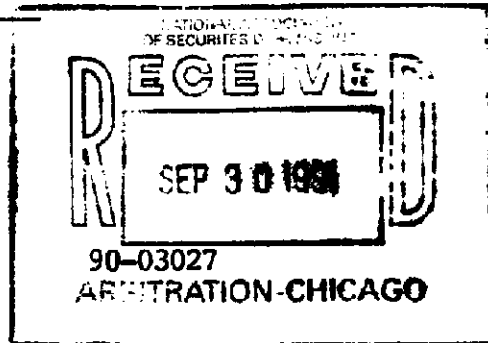
DARBY SUITER

Claimant

and

JOE POE AND BEAR STEARNS & CO., INC.

Respondents



REPRESENTATION OF PARTIES

Claimant Darby Suiter was represented by William Boyd, Esq. of Patterson, Boyd, Lowery, & Aderholt, Houston, Texas.

Respondents Joe Poe and Bear Stearns & Co., Inc. were represented by Cheryl Jerome, Esq. of Bear Stearns & Co., Dallas, Texas.

CASE SUMMARY

In a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on or about October 23, 1990, and in a Supplemental Statement of Claim filed on or about August 22, 1991, Claimant Darby Suiter ("Suiter") alleged that he was an inexperienced investor and that Respondent Joe Poe ("Poe") as his account executive, engaged in unauthorized purchases in his account, more specifically, purchasing 2200 shares of L.A. Gear Common Stock without Suiter's consent. Suiter also alleged that Poe was negligent and that he breached a fiduciary duty owed to Suiter. Suiter further alleged that Respondent Bear Stearns & Co., Inc. ("Bear Stearns") is liable for breach of contract, breach of fiduciary duty, negligence in hiring of employees, and liable for the wrongful acts of their employee.

In a joint Statement of Answer filed with the NASD on or about March 14, 1991, Respondents Poe and Bear Stearns denied the allegations set forth in the Statement of Claim. Respondents alleged that every purchase and sale was discussed and specifically authorized by Claimant.

RELIEF REQUESTED

Claimant requested actual damages in the amount of Forty Four Thousand Three Hundred Five Dollars and Ninety Five Cents (\$44,305.95).

Respondents Joe Poe and Bear Stearns & Co., Inc. requested that this matter be dismissed and that all expenses and costs be assessed against Claimant.

PROCEDURAL MATTERS

On Friday, August 23, 1991 in Houston, Texas during a hearing lasting a total of three (3) sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on October 23, 1990 by Claimant Darby Suiter, on March 13, 1991 by Raymond Aronson on behalf of Respondent Bear Stearns & Co., Inc. and on April 5, 1991 by Respondent Joe Poe.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD.

AWARD

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant Darby Suiter's claim shall be and is hereby dismissed in its entirety;
2. Each party shall bear their own costs, including attorneys' fees, except for those specifically enumerated herein;
3. Respondents Joe Poe and Bear Stearns & Co., Inc., jointly and severally, shall be and are hereby liable to and shall pay to Claimant Darby Suiter, the claim filing fee and the initial hearing session deposit in the amount of \$520.00.
4. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the hearing session deposit in the amount of \$400.00 previously deposited with the NASD by the Claimant.

5. Respondents Joe Poe and Bear Stearns & Co., Inc. jointly and severally, shall be and are hereby liable and shall pay to the NASD the additional hearing session fees in the amount of \$800.00;

Dated:

18 September 1991

Michael E. McGown
Michael E. McGown, Esq.
Presiding Chair
Public Arbitrator

Mark A. Banks-Golub, Esq.
Public Arbitrator

Ronald R. Simpson
Industry Arbitrator

99-3027

5. Respondents Joe Poe and Bear Stearns & Co., Inc. jointly and severally, shall be and are hereby liable and shall pay to the NASD the additional hearing session fees in the amount of \$800.00;

Dated:

Michael E. McGown, Esq.
Presiding Chair
Public Arbitrator

Mark A. Banks-Golub, Esq.
Public Arbitrator

9/16/91

Ronald R. Simpson
Ronald R. Simpson
Industry Arbitrator

90-3027

5. Respondents Joe Poe and Bear Stearns & Co., Inc. jointly and severally, shall be and are hereby liable and shall pay to the NASD the additional hearing session fees in the amount of \$800.00;

Dated:

Michael E. McGown, Esq.
Presiding Chair
Public Arbitrator

10-19-91

Mark A. Banks-Golub
Mark A. Banks-Golub, Esq.
Public Arbitrator

Ronald R. Simpson
Industry Arbitrator