

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Robert J. Glynn and
Mary A. Glynn

vs.

NASD Arbitration
No. 91-00178

Dean Witter Reynolds, Inc. and
Paul Roye

REPRESENTATION

For Claimant: David Hayes, Esq. of Glynn & Harvey.

For Respondent: Eric Wallis, Esq. of Crosby, Heafey, Roach and May

CASE INFORMATION

Statement of Claim filed January 16, 1991.

Claimant's Submission Agreement signed on: March 19, 1991 for Mary Glynn,
January 8, 1991 for Robert Glynn.

Statement of Answer filed by Respondents on: September 17, 1991

Respondent, Dean Witter Reynold's Submission Agreement signed on: September
20, 1991.

Respondent, Paul Roye's Submission Agreement signed on: October 3, 1991.

Respondent, Henry Auswinger's Submission Agreement signed on: September 23,
1991.

HEARING INFORMATION

Pre-Hearing Conference(s) : March 25, 1992 - One Session

Hearing Date(s)/Session(s): March 27, 1992 - Two Sessions.

Hearing Location: San Francisco, California.

CASE SUMMARY

Claimants alleged fraud/intentional misrepresentation, negligent misrepresentation, breach of oral contract, malpractice and breach of fiduciary duty in the purchase of Ungerman-Bass and Happy Resources, Ltd.

Respondents denied all substantive allegations of the Statement of Claim.

RELIEF REQUESTED

Claimant(s) requested:

1. Compensatory damages of \$28,558.10;
2. Interest; and
3. Attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

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.

Respondent Auswinger, at the hearing, made a Motion to Dismiss as to himself as an individual, which was taken under advisement and is granted, and Respondent Auswinger is therefore not included in the caption of this case as a party.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing and post hearing submissions (if any), the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims are dismissed.
2. The parties shall each bear their respective costs including attorneys' fees.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed. The NASD shall retain \$300.00 of the \$400.00 hearing session deposit previously deposited by the Claimant and refund \$100.00 because the case was heard by only one arbitrator in accordance with the Schedule of Fees in the NASD Code of Arbitration Procedure, Section 43. Forum fees are assessed against Dean Witter Reynolds, only for \$600.00, calculated as follows: One prehearing session times \$300.00, plus two regular sessions at \$300.00/session equals \$900.00, minus \$300.00 already paid by Claimants as a hearing deposit.

Fees are payable to the National Association of Securities Dealers, Inc.

ARBITRATION PANEL

Name
John O. Blevins, Jr.

Public/Industry
Public Chairperson

John O. Blevins, Jr.

DATE SERVED: 04/10/92

Date of Decision: April 5, 1992