

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

John W. & Barbara Ann Wall

Claimants

Case No. 91-00-344

v.

AWARD

G.K. Scott & Co., Inc.

Michael Roberts

Philip C. Mullan

Respondents

This matter was heard in Columbus, Ohio, on December 12, 1991. The Claimants appeared pro se; Respondent G.K. Scott & Co., Inc., was represented by Harold I. Geringer, Esq.; Respondent Michael S. Roberts participated by speaker telephone; and Respondent Philip C. Mullan did not appear at the hearing.

The statement of claim alleged that Respondents mishandled three separate accounts by failing to properly service the accounts, failing to provide timely account statements and failing to provide proper investment advice. The Claimants sought damages of \$23,918.57.

Respondent G.K. Scott & Co., Inc. denied the allegations of the claim; denied that it was negligent in supervising its employees; set forth affirmative defenses; and requested dismissal. Respondent Roberts denied liability and requested dismissal. Respondent Mullan did not answer the Statement of Claim.

After considering the evidence presented in the form of testimony and exhibits and in determination of a full and final resolution of the issues submitted for determination I find as follows:

1. The Claimants have failed to meet their burden of proof and judgment is awarded in favor of the Respondents.

2. Each of the parties shall each bear their respective costs, including attorney's fees.

3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the filing fee previously deposited by the Claimants.



Kevin R. McDermott

Dated: December 17, 1991
Columbus, Ohio

Hearing date and session(s) - December 12, 1991, one session

Claim Filed - December 19, 1990