

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :

James H. McKenna, Jr. :

Claimant :

vs. :

Bank South Personal Brokerage Services :

Respondent :

CASE #91-00468
AWARDED

CASE SUMMARY

Pro Se Claimant James H. McKenna, Jr., in a claim filed with the National Association of Securities Dealers, Inc. on February 12, 1991, alleged that due to misrepresentation by his broker at Bank South's Brokerage Services concerning the ex-dividend date for his Rochester Gas and Electric stock, he suffered a loss of dividends.

Respondent, Bank South Brokerage Services, by its Vice President Sheila A. Johnson, although not a member of the NASD, Inc., voluntarily submitted to arbitration as confirmed by a letter and a signed, notarized Uniform Submission Agreement dated March 21, 1991. Respondent maintained that the broker, Ann Braziel, told Claimant that the new ex-date had not been set but that it should be somewhere around 01/01/91. Respondent continues that Mr. McKenna evidently took the ex-date to be exactly 01/01/91 and that many attempts have been made to explain the situation to Mr. McKenna.

Claimant replies that the terminology "around 01/01/91" was never used in his conversation with Ms. Braziel. He also states that the ex-dividend date was 12/28/91 not 12/18/90 and that his sale of one thousand three hundred shares was on 12/24/90 not 12/14/90.

RELIEF REQUEST

Claimant requests One Thousand One Hundred Seventy Dollars and No Cents (\$1,170.00) in damages.

Respondent requests dismissal of the Claim.

AWARD

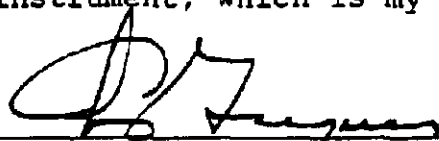
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, A. Keith Logue, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on February 22, 1991 and by the Respondent on March 21, 1991.

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 Claim of James H. McKenna, Jr. be, and hereby is, dismissed in its entirety.
2. The Fifty Dollars and No Cents (\$50.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, A. KEITH LOGUE, 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.



Signature of Arbitrator

EXECUTED &
DATED: August 13, 1991.