



N.A.S.D. AWARD

Arbitration

NATIONAL ASSOCIATION OF SECURITIES DEALERS

National Association of
Securities Dealers, Inc.
NASD Financial Center
33 Whitehall Street
New York, New York 10004

In the Matter of the Arbitration Between

Name of Claimants

Warren and Jean Moore

91-00685

Name of Respondents

Prescott, Ball & Turben, Inc.
Houston Terry Hogle

REPRESENTATION

For Claimants: Wesley A. Gersh, Esq., Attorney at Law

For Respondents: William H. Falin, Esq. of Arter & Hadden

CASE INFORMATION

Statement of Claim filed: March 4, 1991

Claimants' Submission Agreement signed on: February 19, 1991

Joint Statement of Answer filed by Respondents on: April 19, 1991

Respondent, Prescott, Ball & Turben, Inc.'s Submission Agreement was signed on: April 16, 1991

Respondent Houston Terry Hogle did not execute a Submission Agreement; however, he had an answer filed on his behalf, he was represented at the hearing and he attended the hearing. Pursuant to Section 12(a) of the Code of Arbitration Procedure, the arbitrators exercised their jurisdiction over Respondent Hogle.

HEARING INFORMATION

Hearing Dates/Sessions: October 7, 1991, 2 sessions
October 8, 1991, 2 sessions

Hearing Location: Louisville Bar Association, Louisville, Kentucky

CASE SUMMARY

Claimants, Warren J. Moore and Jean G. Moore ("Claimants"), alleged that between August and November, 1989, that Respondent solicited Claimants to purchase 11,000 of KYMDA. In said solicitation Respondent;

1. wrongfully urged and assisted Claimants to borrow money on their home to finance purchase;
2. failed to advise Claimants of risks;
3. improperly put Claimants on margin;
4. manipulated the market in KYMDA;
5. violated their duty of fair dealing, the know your customer rule and suitability requirements;
6. violated Regulation T; and
7. violated KY Blue Sky law.

Respondents, Prescott, Ball & Turben ("Prescott") and H. Terry Hogle ("Hogle"), among other things, maintained;

1. that Claimants have failed to state of claim upon which relief can be granted;
2. that Respondents did not violate any securities laws;
3. that all transactions in Claimants' account were suitable;
4. that each trade was authorized;
5. that if Regulation T was violated, that Claimants violated Reg X;
6. that Claimants' account was not a discretionary account;
7. that Claimant made no timely written objections;
8. that the Claimants' claim is barred by the applicable Statute of Limitations;
9. that the claims are barred by the doctrine of laches;
10. that Claimants' by their conduct are estopped;
11. that the Claimants' are contributorily or comparatively negligent;
12. that they were intervening causes beyond Respondents control; and,
13. that Claimants' failed to mitigate their damages.

RELIEF REQUESTED

Claimants requested:

1. losses on KYMDA stock of \$142,865.51;
2. interest of \$33,183.42;
3. attorneys' fees in the amount of \$7,901.06; and
4. punitive damages in the amount of \$30,000.00.

Respondents requested that the panel find in their favor and that the panel assess costs of these proceedings against Claimants.

AWARD

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

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants Warren J. and Jean G. Moore shall receive from the Respondents Prescott, Ball & Turben, Inc. and Houston Terry Hogle, jointly and severally the sum of \$86,976.80, inclusive of interest.
2. Claimants request for punitive damages and attorneys' fees are denied.
3. That all parties shall bear their own costs.

FORUM FEES

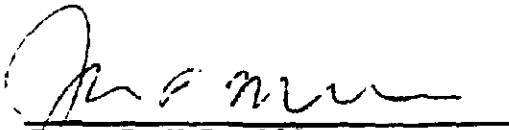
Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following forum fees are assessed:

Forum fees are assessed against the Respondents jointly and severally as follows: 4 hearing sessions x \$750 = \$3000.00; so that Respondents shall pay to the National Association of Securities Dealers, Inc. the sum of \$3,000.00.

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

ARBITRATION PANEL

Concurring Arbitrator's Signature:


James P. McCrocklin
Public Arbitrator/Chairman

DATED: November 11th, 1991

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ARBITRATION PANEL

Concurring Arbitrator's Signature:


John C. Schenkenfelder
Industry Arbitrator

DATED: November 11th, 1991

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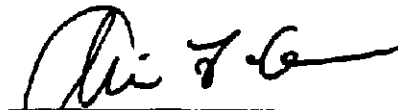
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ARBITRATION PANEL

Concurring Arbitrator's Signature:



Amelia F. Adams
Public Arbitrator

DATED: November 11th, 1991