

NATIONAL ASSOCIATION OF SECURITIES DEALERS

National Association of
Securities Dealers, Inc.
NASD Financial Center
33 Whitehall Street
New York, N.Y. 10004
FAX (212) 858-4389

In the Matter of the Arbitration Between

Name of Claimant

Mark J. Stachowski

91-00742

Name of Respondents

John Hancock Distributors, Inc.
Larry E. Gibbons

REPRESENTATION

For Claimant Mark J. Stachowski ("Claimant"): he appeared pro se.

For Respondent John Hancock Distributors, Inc. ("Hancock"): Frederick W. Keuthen, of John Hancock Distributors, Inc.

For Respondent Larry E. Gibbons ("Gibbons"): Larry Mason, of Plunkett & Cooney.

CASE INFORMATION

Statement of Claim filed: March 1, 1991.

Claimant's Submission Agreement signed on: March 1, 1991.

Statement of Answer filed by Respondent Hancock on: there was no date on the Statement of Answer; however, it was received by the NASD on July 8, 1991.
Respondent Hancock's Submission Agreement signed on: September 23, 1991.

Statement of Answer filed by Respondent Gibbons on: August 15, 1991.
Respondent Gibbons's Submission Agreement signed on: August 21, 1991.

HEARING INFORMATION

Hearing Date/Session: January 8, 1991/1 session.

Hearing Location: Southfield, MI.

CASE SUMMARY

Claimant alleged he was advised by Gibbons to invest in Equitec Real Estate Investors Fund XIV ("Equitec") and Damson Oil, Inc. ("Damson"); he never received a prospectus regarding these investments until after making the investments; and was wrongfully influenced into investing in high risk securities. He further stated he was made to sign blank application forms which were subsequently completed by Gibbons.

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Respondent Hancock alleged that Claimant acknowledged receipt of a prospectus by signing the Damsen Subscription Agreement; Claimant was a suitable investor for the investments; stated it was without knowledge as to the truth or falsity of Claimant's claim regarding the signing of blank application forms and that the claim was time barred.

Respondent Gibbons alleged the subscription agreements were contained in the prospectuses; that he did not influence Claimant to invest in any security and that both investments were suitable for Claimant; denied that Claimant was made to sign blank application forms; and that the claim was time barred.

RELIEF REQUESTED

Claimant requested: actual damages in the amount of \$40,000.00 plus interest at 5.25% annually from the date of the investment to the date of the settlement.

Respondent Hancock requested: the Complaint be dismissed with prejudice; attorneys' fees and costs.

Respondent Gibbons requested: the Complaint be dismissed with prejudice; attorneys' fees and costs.

Both Respondents also moved to dismiss the Statement of Claim.

OTHER ISSUES CONSIDERED & 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 remains on file with the NASD.

AWARD

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- The joint motion of the Respondents requesting that the Statement of Claim of the Claimant, Mark J. Stachowski, be dismissed is granted;
- 2- All other claims are dismissed;
- 3- Each party shall bear its own costs, including attorneys' fees.

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FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the NASD shall retain the \$120.00 non-refundable filing fee previously deposited by Claimant and the following Forum Fees are assessed.

1 session X \$400 = \$400

Forum fees Assessed Against:

1- Respondents, jointly and severally, in the amount of \$400; however, in lieu of payment of forum fees to the NASD the Respondents, jointly and severally, shall reimburse Claimant the \$400 hearing session deposit he previously deposited to the NASD.

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

CONCURRING ARBITRATORS

/s/
Harry A. Carson/Public Arbitrator

/s/
Michael P. Coakley/Industry Arbitrator

/s/
Richard H. Potter/Public Arbitrator

Date of Decision: January 13, 1992

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REPORT OF ARBITRATORS

The Motion to Dismiss was granted pursuant to Section 15 of the Code of Arbitration Procedure.