

N.A.S.D. AWARD
NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

PUBLIC

In the Matter of the Arbitration Between

Name of Claimants

Devendra Patel
Damyanti Patel

91-00759

Name of Respondents

Barrett Day Securities, Inc.
Paul Kailey

REPRESENTATION

For Claimants: The Claimants appeared pro se.

For Respondents: Barrett Day Securities, Inc. was represented by Ruthann G. Niosi, Esq.

Paul Kailey appeared pro se.

CASE INFORMATION

Statement of Claim filed on: March 8, 1991.

Claimants' Submission Agreement signed on: March 6, 1991.

Joint Statement of Answer filed by Respondents on: September 12, 1991.

Respondent Barrett Day Securities, Inc.'s Submission Agreement signed on: March 3, 1992.

Respondent Paul Kailey's Submission Agreement signed on: March 2, 1992.

HEARING INFORMATION

Hearing Date/Sessions: March 2, 1992, 2 Sessions.

Hearing Location: NASD offices located in New York City, NY.

CASE SUMMARY

Claimants alleged that upon the advice of the Respondents they purchased 50,000 units of an initial public offering of Bridal Expos, Inc. for \$1.00 per unit and Paul Keiley guaranteed to sell the stock for Claimants on opening day at \$1.25 per unit. Claimants further alleged that after a period of time they became worried because the stock had not yet started trading and they requested of Respondents that the purchase be cancelled and were informed by Respondents that it could not be. Claimants further alleged when the stock opened for trading they were promised by Respondent Paul Keiley that 25,000 units were sold at \$1.25 when in fact they were not and the stock has not traded above \$.75 bid since it opened causing Claimants to sustain a loss.

Respondents maintained that Claimants informed the Respondent Paul Keiley that they had an interest in a large block of Bridal Expos, Inc. and Respondent Paul Keiley sent a copy of the initial Red Herring to Claimants at their home and approximately one week later Claimants placed an order to purchase 50,000 units at the initial public offering price of \$1.00. Respondents further maintained sometime later Claimants called Respondent and indicated the offering was taking too long and that they wanted their money back and Respondent Paul Keiley told Claimants to contact the Escrow agent to determine if they could obtain their funds from Escrow. Respondents further maintained Respondent Paul Keiley entered the order ticket, but was unable to sell Claimants' units at \$1.25 and Claimants did not wish to sell at a lower price and chose to hold onto their units. Respondents further maintained at no time were guarantees of any kind given to Claimants and Claimants were experienced investors and any loss suffered by Claimants was as a result of informed investment decisions made by them, based upon full disclosure by the Respondents.

RELIEF REQUESTED

Claimants requested a cancellation of the trade and full restitution of the original purchase price of \$50,000.00, plus interest.

Respondents requested that all claims against them be dismissed and that they be awarded costs and attorneys' fees for the action.

HOLD

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 Respondent Barrett Day Securities, Inc. be and hereby is liable and shall pay to the Claimants the sum of \$3,750.00, interest specifically excluded.

2. The Respondents Barrett Day Securities, Inc. and Paul Kailey be and hereby are liable jointly and severally and shall pay to the Claimants the sum of \$1,250.00, interest specifically excluded.
3. Each party shall bear their respective costs, including attorneys' fees.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed.

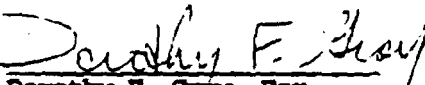
\$400.00 X 2 Sessions = \$800.00 minus hearing session deposit of \$400.00 = net \$400.00 due.

The Respondent Barrett Day Securities, Inc. be and hereby are liable and shall pay to the NASD the sum of \$400.00 to represent forum fees.

The NASD shall retain the \$120.00 claim filing fee previously deposited by the Claimants.

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

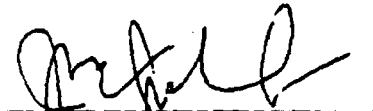
CONCURRING ARBITRATORS' SIGNATURES


Dorothy F. Gray, Esq.

Public Arbitrator


Charles A. Crocco, Esq.

Public Arbitrator


John W. Bogalskirger

Industry Arbitrator

Date of Decision: April 9, 1992