

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between)	
)	
<u>Name of Claimant(s)</u>)	
)	
William J. Peeples)	
)	
)	Case No. 91-00915
)	
<u>Name of Respondent(s)</u>)	
)	
F.N. Wolf & Co., Inc.)	
)	
)	

REPRESENTATION

Claimant, William J. Peeples ("Peeples"): was pro se.

For Respondent, F. N. Wolf & Co., Inc. ("F.N. Wolf"): John S. Barr, Esq. of Maloney, Yeatts & Barr.

CASE INFORMATION

Statement of Claim filed: March 20, 1991. Claimant's Submission Agreement signed: March 16, 1991.

Respondent's Statement of Answer filed: April 25, 1991. Respondent's Submission Agreement signed by Richard Sullivan on November 25, 1991, on behalf of F. N. Wolf.

HEARING INFORMATION

On January 14, 1992, in Tampa, Florida, a hearing lasting one (1) session was conducted.

CASE SUMMARY

Claimant alleged that Respondent is liable for failure to execute a sell order for certain stock.

Respondent denied all allegations of wrongdoing and alleged that: F.N. Wolf acted consistent with its obligations; the broker met his fiduciary responsibilities; and had the broker received a firm order to sell, he would have done so.

RELIEF REQUESTED

Claimant requested damages in the amount of \$30,000.00 less the current value of the stock, plus interest.

Respondent requested dismissal of the 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 originals remain 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. Respondent, F.N. Wolf, is found liable and shall pay to the Claimant the amount of \$13,500.00, plus interest (from August 1, 1990 to January 14, 1992) in the amount of \$2,362.08 for a total due to the Claimant of \$15,862.08.

OTHER COSTS

The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Panel has assessed forum fees in the amount of \$400.00 (one session x \$400.00). Claimant is hereby assessed \$200.00 for which the NASD shall retain the \$400.00 previously deposited in full satisfaction thereof. Respondent, F. N. Wolf, is hereby assessed \$200.00 payable directly to the Claimant. Additionally, Respondent, F.N. Wolf, is hereby assessed \$50.00 for the non-refundable filing fee to be paid directly to the Claimant. The NASD, Inc. shall retain the \$100.00 previously deposited by Claimant in full satisfaction of such filing fee.

Concurring Arbitrators' Signatures

/s/
Brian G. Mooney, Esq.

Public

/s/
Patrick A. Davis

Public

/s/
Joseph I. Amonette

Industry

Date of Decision: January 31, 1992