

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :

John D. Peterson :

Claimant :

vs. :

Thomas James Associates :
Ron Wheet :

Respondents :

CASE #91-02506
AWARD

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 13, 1991, Claimant John D. Peterson, who appeared Pro Se, alleged that Respondents Thomas James Associates and Ron Wheet sold the Claimant's Sunrise Technologies stock without his approval or authorization, and that several attempts to have this trade reversed were unsuccessful.

Respondents, Thomas James Associates & Ron Wheet in a joint Statement of Answer filed by their general Counsel, Michael S. Smith, Esq., maintained that the Claimant did authorize the sale of this stock and that the Claimant was disappointed when the stock continued to increase in value after he sold his shares, thus he requested the sale be reversed. Respondents further maintained that when Respondent Ron Wheet explained to the Claimant he would have to purchase the stock back if he wanted it, the Claimant asked that his account be closed out.

RELIEF REQUESTED

Claimant, John D. Peterson requested \$3,500.00 in actual damages.

Respondents, Thomas James Associates and Ron Wheet requested the claims of the Claimant be dismissed.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Roger A. Parkinson, 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 July 29, 1991 and by the Respondents on October 4, 1991.

And, 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. Respondents Thomas James Associates and Ron Wheet are jointly and severally liable and shall pay \$530.00 to the Claimant John D. Peterson.
2. The parties shall bear their respective costs.
3. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondents Thomas James Associates and Ron Wheet shall pay \$125.00 to the Claimant as reimbursement.

AFFIRMATION

I, ROGER A. PARKINSON, 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

DATE OF DECISION: February 12, 1992