

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Kenneth G. Davis

vs.

NASD #91-03689

Name of Respondents

Freeman Welwood & Company

Michael Freeman

David Rockey

Scott Key

John Loewy

REPRESENTATION

For Claimant: (Davis) Kenneth G. Davis

For Respondents': (Freeman Welwood & Company, Inc., Freeman, Rockey, Loewy)
Carrie L. Wallace of Freeman Welwood & Company, Inc., Seattle, Washington.

For Respondent: (Key) Scott Key

CASE INFORMATION

Statement of Claim filed: November 22, 1991

Claimant's Submission Agreement signed: November 15, 1991

Statement of Answer filed by Respondents on: January 10, 1992

Respondent, Submission Agreement signed on: January 10, 1992 for all
respondents.

HEARING INFORMATION

Prehearing Conference(s) Date(s) Sessions: None

Hearing Date/ Sessions: June 16, 1992 (one session)

Hearing Location: Seattle, Washington

CASE SUMMARY

Claimant alleged withholding of funds in his account, improper execution, lack of disclosure and breach of contract in the purchase and sale of Financial Group Portfolios Health Science Portfolio.

Respondents denied all substantive allegations of the Statement of Claim and alleged the amount claimed is the entire loss on the transaction, they executed the transaction redemption at the earliest possible date, and that all mutual fund orders are placed on a best efforts basis.

RELIEF REQUESTED

Claimant requested:

Compensatory damages of \$1,198.07 (Claimant, at the hearing, waived the request for "the difference which would be the price on the close of May 31, 1991").

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 arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims are dismissed;
2. The parties shall each bear their respective costs including attorneys' fees.

OTHER COSTS

None.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following forum fees are assessed: The National Association of Securities Dealers, Inc. shall refund the \$25.00 hearing session deposit previously deposited by the claimant. Forum fees assessed against:

Respondents, jointly and severally, for the amount of \$25.00.
calculated as follows: One hearing session times \$25.00/hearing session.

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

ARBITRATION PANEL

Name

Public/Industry

John A. Roberts

Public Arbitrator


John A. Roberts

DATE SERVED: 06/30/92

Date of Decision: 6-25-92