

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

In the Matter of the Arbitration Between

Name of Claimant(s)

John and Debi Tamsett

92-01019

Name of Respondent(s)

Edward D. Jones & Co.
Kevin Batliner

REPRESENTATION

For Claimants, John and Debi Tamsett ("the Tamsetts"): pro se.

For Respondents, Edward D. Jones & Co., ("E.D. Jones") and Kevin Batliner ("Batliner"):
Cynthia A. Doria, Esq. of Edward D. Jones & Co..

CASE INFORMATION

Statement of Claim filed: March 23, 1992.

Claimant's Submission Agreement signed on: March 16, 1992.

Respondents' joint Statement of Answer filed: May 13, 1992

Respondent, E.D. Jones' Submission Agreement and Corporate Acknowledgment signed on:
May 6, 1992 by Cynthia A. Doria, Esq. on behalf of E.D. Jones.

Batliner's Submission Agreement signed on: May 4, 1992

HEARING INFORMATION

A Pre-hearing Telephone Conference with an arbitrator was held: January 29, 1993.

A hearing lasting one session was held in Tampa, Florida on February 9, 1993.

CASE SUMMARY

Claimants alleged that in April of 1991, Respondent, Batliner, a broker at E.D. Jones, through misrepresentations and false information, wrongfully solicited their interest in a stock, South East Bank, which was unsuitable for Claimants and caused them substantial monetary losses.

Respondents denied all allegations of wrongdoing and maintained that the purchases complained of did not take place through either Batliner or E.D. Jones. Respondents further denied that they guaranteed the success of the purchases or that they acted as fiduciaries. Respondents further maintained that E.D. Jones had virtually no connection to the transaction and that no contract was entered into between either Batliner and the Tamsetts or E.D. Jones and the Tamsetts and that E.D. Jones properly supervised Batliner's trading activities and Claimants' account, consistent with its normal compliance practices but that the trades at issue were conducted by another firm.

RELIEF REQUESTED

Claimants requested an award of \$29,607.25

Respondents requested that the Claim be dismissed in its entirety.

OTHER ISSUES CONSIDERED & DECIDED

None

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:

The Respondents, E.D. Jones and Batliner, are found not liable and, therefore, all claims against them are hereby dismissed.

OTHER COSTS

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

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure the arbitrator has assessed forum fees in the amount of \$600.00 (One (1) Pre-hearing Conference X \$300.00 plus one (1) hearing session X \$300.00)

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1. Claimants are hereby assessed forum fees of \$300.00 for which the NASD shall retain the \$300.00 previously deposited in full satisfaction thereof.
2. Respondents are hereby jointly and severally assessed forum fees of \$300.00 payable directly to the NASD, Inc.
3. The NASD shall retain the non-refundable filing fee of \$100.00 paid by the Claimants.

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

ARBITRATOR

Arbitrator's Signature



George S. Coit, Jr., Esq.
(Sole Public Arbitrator)

Date of Decision: July 2, 1992