

PUBLIC

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
 :
Thomas G. Daniel & John Daniel, JTWROS :
Martina Ward & Thomas G. Daniel, JTWROS :
 :
 : Claimants :
 :
vs. : CASE #92-01301
 : AWARD
 :
Olde Discount Corporation :
 :
 : Respondent :

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on April 14, 1992, Claimants Thomas G. Daniel, John Daniel & Martina Ward, who appeared Pro Se, alleged that Respondent Olde Discount Corporation, through its brokers, used fraudulent tactics to convince Claimant Thomas Daniel to purchase Teradata stock which dropped in value upon his purchase, and that although he questioned the brokers repeatedly about any negative information that may have existed, he was told there was none, but there was, and this information was willfully withheld from him. The Claimants further alleged that because a complaint was filed with the Respondent firm, their accounts were wrongfully frozen, causing a loss to the Claimants.

Respondent Olde Discount Corporation, through its in-house counsel, Bruce A. Campbell, maintained that news regarding Teradata stock was read to Claimant Thomas Daniel in its entirety and that the Claimant sold the stock without the advice of the Respondent. The Respondent further maintained that the stock performed strongly after Claimants' sale, refuting Claimants' fear that the distribution (which the Claimants alleged they were never informed of) would harm its value.

RELIEF REQUESTED

Claimants Thomas G. Daniel & John Daniel requested \$3,019.81 in actual damages.

Claimants Thomas G. Daniel & Martina Ward requested \$4,332.31 in actual damages and \$5,000.00 in punitive damages.

Respondent Olde Discount Corporation requested the claims of the Claimants be dismissed.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Robert J. Scafuri, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on April 3, 1992 and by the Respondent on July 2, 1992.

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. Respondent Olde Discount Corporation is liable and shall pay to Claimants Thomas G. Daniel and John Daniel, JTWROS \$1,175.00 in actual damages.
2. Respondent Olde Discount Corporation is liable and shall pay to Claimants Martina Ward and Thomas G. Daniel \$1,312.50 in actual damages.
3. The request of Claimants Martina Ward and Thomas G. Daniel for punitive damages is denied.
4. The parties shall bear their respective costs.
5. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc.

AFFIRMATION

I, ROBERT J. SCAFURI, 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: September 21, 1992