

PUBLIC

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between :

Dennis A. Meier :

Claimant :

vs. :

Tim Peck :

Respondent :

CASE #92-01536  
AWARD

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on May 5, 1992, Claimant Dennis A. Meier, who appeared Pro Se, alleged that Respondent Tim Peck, formerly with William Barton Financial, Inc., solicited him to purchase shares of a steel company, which he does not recall the name of. The Claimant further alleged that Respondent Tim Peck told him to send his check for the purchase to LAD Holdings, Inc. and that a prospectus would be sent to him; however the Claimant never received a prospectus or evidence of the company's receipt of the check, except for a copy of the cancelled, cashed check.

Respondent Tim Peck failed to file an Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant Dennis A. Meier requested \$2,500.00 in actual damages.

Respondent Tim Peck failed to file an answer to the Statement of Claim.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, O. Meredith Wilson, Jr., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on May 1, 1992 and not signed by the Respondent as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

1. In accordance with Section 13 of the NASD Code of Arbitration Procedure the Respondent Tim Peck was served a copy of the Statement of Claim by regular mail and given an opportunity to respond, which he failed to do. A second copy of the claim along with a notice of overdue answer were received by the Respondent as evidenced by the signed return receipt card dated 6/13/92. Notice of arbitrator's identity was also effected as evidenced by the signed return receipt card dated 6/27/92.
2. Pursuant to the By-Laws of the NASD, the arbitrator determined that Respondent Tim Peck was required to submit to this arbitration proceeding and is, therefore, bound by the arbitrator's ruling and determination.

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 Tim Peck is liable and shall pay to Claimant Dennis A. Meier \$2,874.18 in actual damages, inclusive of interest.
2. The parties shall bear their respective costs.
3. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondent Tim Peck shall pay \$50.00 to the Claimant Dennis A. Meier as reimbursement.

AFFIRMATION

I, O. MEREDITH WILSON, JR., 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: August 24, 1992