

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Grace C. Conolly

No. 92-01924

Name of Respondents

Olde Discount Corp.
Mark D. Kendall

REPRESENTATION OF PARTIES

Claimant appeared pro se.

For Respondents: Bruce C. Campbell, Esq., Corporate Attorney, Olde Discount Corp., Detroit Michigan.

CASE INFORMATION

Statement of Claim filed: June 8, 1992.

Claimants' Submission Agreement signed on: June 3, 1992.

Joint Statement of Answer filed by Respondents, Olde Discount Corp. and Mark D. Kendall on: January 27, 1993.

The NASD does not have a record of the Respondents filing Submission Agreements.

HEARING INFORMATION

Hearing Date: February 22, 1993. One (1) session.

Hearing Location: Chicago, Illinois.

CASE SUMMARY

Claimant, Grace C. Conolly ("Claimant") alleged that in October of 1991, Respondent, Mark D. Kendall ("Kendall"), and account executive with Respondent Olde Discount Corp. ("ODC"), recommended the

Claimant buy 1,000 shares of IMMUCOR stock. Claimant alleged that Kendall had compared the quality of IMMUCOR to Walmart, and that the value of the stock would continue to increase. Claimant also alleged that IMMUCOR had, after her purchase, decreased in value several dollars by the end of the following day. Claimant next alleged having contacted Kendall and ODC about IMMUCOR, telling them she did not want the stock. Claimant further alleged that in late 1991, she learned that IMMUCOR's price had increased. Claimant stated that she had called ODC and spoke to someone other than Kendall requesting that one-half of her IMMUCOR be sold. Claimant also alleged that Kendall had called her from ODC's Elmhurst office where he had allegedly been transferred due to his alleged mishandling of the sale of IMMUCOR to Claimant. During the call, Claimant alleged that Kendall had assured her that the price of IMMUCOR had reached the bottom, and that he would keep Claimant apprised, once a week, of the status of IMMUCOR's price. Lastly, Claimant alleged that Kendall had failed to keep her informed.

In their joint Answer, ODC and Kendall denied the allegations in the Statement of Claim. ODC and Kendall asserted that the recommendation of IMMUCOR had been made after a discussion of investment options, disclosures of risk, and in the context of additional investments and with the commitment to a two (2) to four (4) year holding period. Respondents ODC and Kendall also asserted that in less than one month, Claimant had regretted her decision, but had failed to sell the IMMUCOR stock.

RELIEF REQUESTED

Claimant requested an award of \$18,750.00 against the respondents.

Respondents requested that the Statement of Claim be denied.

OTHER ISSUES CONSIDERED & DECIDED

Respondents ODC and Kendall did not file with the NASD properly executed submissions to arbitration but are required to submit to arbitration pursuant to Section 12 of the Code of Arbitration Procedure (the "Code") and having answered the claim, appeared and testified at the hearing and, therefore, are bound by the determination of the arbitration panel on all issues submitted.

The parties have agreed that the Award in this matter may be executed by 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 arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents, Olde Discount Corp. and Mark D. Kendall are jointly and severally liable for,

and shall pay to Claimant, Grace C. Conolly, the sum of \$18,000.00 upon the tendering of 1,000 shares of IMMUCOR, in Claimant's possession, to the Respondents.

OTHER COSTS

2. Each party shall pay their own costs associated with this arbitration, including attorneys' fees, except as set forth more fully below.

3. Respondents, Olde Discount Corp. and Mark D. Kendall are jointly and severally liable for, and shall pay to Claimant, Grace C. Conolly, the sum of \$500.00 as reimbursement for her costs incurred in initiating this arbitration.

FORUM FEES

Pursuant to Section 43(c) of the Code, the following forum fees are assessed:

1 hearing sessions X \$400.00 = \$400.00

Pursuant to Section 43(c) of the Code of Arbitration, the NASD shall retain the nonrefundable filing fee in the amount of \$100.00, and shall retain the hearing session deposit in the amount of \$400.00 previously paid to the NASD by the Claimant.

CONCURRING ARBITRATORS

Dated:

March 2, 1993

/s/ Michael C. Craven
Michael C. Craven
Presiding Chair
Public Arbitrator

February 26, 1993

/s/ David G. Duggan
David G. Duggan
Public Arbitrator

March 1, 1993

/s/ Chad J. Potter
Chad J. Potter
Industry Arbitrator

Date of Service by the NASD:

March 3, 1993