

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Name of Claimant

Mabel Rogers

and

92-02974

Name of Respondent

Robert W. Baird & Co., Inc.

REPRESENTATION OF PARTIES

Claimant Mabel Rogers was represented by Nicholas P. Iavarone, Esq. of Bellows and Bellows, Chicago, Illinois.

Respondent Robert W. Baird & Co., Inc. was represented by Deborah J. Fabritz, Esq. of Robert W. Baird & Co., Inc., Milwaukee, Wisconsin.

CASE INFORMATION

The Statement of Claim was filed on or about September 3, 1992. Submission Agreement of Claimant Mabel Rogers was signed on August 13, 1992.

Statement of Answer of Respondent Robert W. Baird & Co., Inc. was filed on or about November 18, 1992. Submission Agreement of Respondent Robert W. Baird & Co., Inc. was signed on November 17, 1992 by Deborah J. Fabritz.

HEARING INFORMATION

The hearing was held on Wednesday, March 17, 1993 for two (2) sessions and Thursday, March 18, 1993 for two (2) sessions in Milwaukee, Wisconsin for a total of four (4) sessions.

CASE SUMMARY

Claimant Mabel M. Rogers ("Claimant") alleged that Robert W. Baird & Co., Inc. ("Respondent") through its broker Michael Lynch liquidated tax free bonds to purchase tax free unit trusts to generate commissions; mismanaged her account; made unauthorized sales of portions of her portfolio; made unsuitable recommendations and purchases for her account; and churned her account by buying and selling various mutual funds in a short period of time.

Respondent stated that the Claimant agreed to and authorized all of the investments in her account, that the investments were suitable for her, and that her broker, Michael Lynch, was acting out of concern for the Claimant's interests rather than a desire for commissions. Respondent further stated that the Claimant experienced a net gain in her accounts. Respondent also asserted affirmative defenses including but not limited to the following: the Claimant fails to state a claim upon which relief may be granted; authorization; the claims, if any, are barred by the doctrines of ratification, waiver, estoppel and laches.

RELIEF REQUESTED

Claimant requested an award in the amount of \$100,000.00; \$300,000.00 in punitive damages; reasonable attorney's fees and all costs associated with this proceeding.

Respondent requested that the arbitrators dismiss the Statement of Claim on the merits and with prejudice, and assess costs and fees against the Claimant.

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 original(s) 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. Respondent Robert W. Baird & Co., Inc. shall be and hereby is liable for and shall pay to the Claimant Mabel Rogers the sum of \$86,500.00 (eighty six thousand five hundred dollars).
2. No punitive damages are awarded herein.
3. Each party shall bear its own costs, expenses and attorney's fees incurred in this matter not specifically enumerated herein.

FORUM FEES

Pursuant to Section 43(c) of the NASD Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. ("NASD") shall retain the non-refundable filing fee in the amount of \$200.00 and shall refund the hearing session deposit in the amount of \$750.00 previously

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deposited with the NASD by the Claimant. Respondent Robert W. Baird & Co., Inc. shall pay to the N.A.S.D. the sum of \$3,000.00 as forum fees.

Forum fees are calculated at the rate of \$750.00 per hearing session and \$300.00 for each prehearing conference, if any. Fees are payable to the National Association of Securities Dealers, Inc.

Dated:

3/18/93


Emanuel V. Gumina, Esq.
Public Arbitrator, Presiding Chair


Arthur J. Vlasak, Esq.
Public Arbitrator


H. Michael Spence, Esq.
Industry Arbitrator

March 18, 1993

N.A.S.D. DISCIPLINARY REFERRAL

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Mabel Rogers

and

92-02974

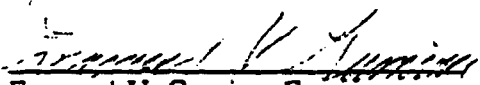
Name of Respondent

Robert W. Baird & Co., Inc.

DISCIPLINARY REFERRAL

During the course of the hearing in the above captioned arbitration, certain evidence and testimony was presented to the undersigned arbitrators which they feel should be investigated by the appropriate District Business Conduct Committee. Specifically, the failure by Robert W. Baird & Co., Inc. to adequately supervise Michael Lynch and circumstances surrounding the allegation the account representative signed an account document without authorization by Mabel Rogers.

Dated:


Emanuel V. Gumina, Esq.
Public Arbitrator, Presiding Chair

3/18/93


Arthur J. Vlasak, Esq.
Public Arbitrator

March 18 1993


H. Michael Spence, Esq.
Industry Arbitrator

March 18, 1993