

01780d
PUBLIC

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Charles S. Walsh

92-03668

Name of Respondents

Olde Discount Corporation
Todd M. Pearson
Jonathan M. Bower

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on October 29, 1992, Claimant Charles S. Walsh, who appeared Pro Se, alleged that Respondent Todd M. Pearson, while employed by Respondent Olde Discount Corporation misled him into purchasing Westcoast Bancorp stock using proceeds from a maturing Certificate of Deposit and further, he omitted information from his recommendation to buy the security. The Claimant further alleged that Respondent Olde Discount Corporation failed to supervise Respondent Todd M. Pearson, and that Respondent Jonathan M. Bower, as the Branch Manager, failed to properly supervise Respondent Todd M. Pearson also, when he made these unsuitable recommendations. Claimant Charles S. Walsh contended that he should be compensated for damages he has incurred due to the wrongdoing of the Respondents.

Respondents Olde Discount Corporation, Todd M. Pearson and Jonathan M. Bower, in a Joint Statement of Answer filed by and through their in-house counsel, Bruce A. Campbell, Esq., maintained that the Claimant made an informed decision in purchasing Westcoast Bancorp, and that he was provided with various research reports from which he chose this investment among others. The Respondents further maintained that they committed no wrongdoing and should not be held liable in this matter.

In a response to the Statement of Answer, Claimant Charles S. Walsh refuted the defenses used by the Respondents and contended that he received no information prior to his investment other than the personal promotion and recommendation of Respondent Todd M. Pearson.

RELIEF REQUESTED

Claimant Charles S. Walsh requested \$2,654.25 in actual damages, plus unspecified Punitive damages.

Respondents Olde Discount Corporation, Todd M. Pearson and Jonathan Bower requested that the claims of the Claimant be dismissed.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Jack J. Mazzara, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on October 23, 1992, but not signed by the Respondents as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

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. The claims of the Claimant Charles S. Walsh against Respondents Olde Discount Corporation, Todd M. Pearson and Jonathan Bower are dismissed in their entirety.
2. The Claimant's request for Punitive damages is denied.
3. The parties shall bear their respective costs.
4. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

Page Three
Award 92-03668

AFFIRMATION

I, **JACK J. MAZZARA**, 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: June 30, 1993