

**N.A.S.D. AWARD**

**NATIONAL ASSOCIATION OF SECURITIES DEALERS**

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**In the Matter of the Arbitration Between**

**Name of Claimant**

**Christine M. Walsh**

**92-03683**

**Name of Respondents**

**Malone & Associates, Inc.  
Wayne D. Wheeler**

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**REPRESENTATION**

**Claimant Christine M. Walsh ("Claimant") was represented by Jeff A. Schnepfer, Esq. of Jeff A. Schnepfer & Associates.**

**Respondent Malone & Associates, Inc. ("Malone") was not represented.  
Respondent Wayne D. Wheeler ("Wheeler") was not represented.**

**CASE INFORMATION**

**Statement of Claim filed: October 29, 1992.**

**Claimant's Submission Agreement signed on: September 9, 1992.**

**Malone neither signed a Submission Agreement nor did it submit an Answer.**

**Wheeler neither signed a Submission Agreement nor did he submit an Answer.**

**HEARING INFORMATION**

**Hearing Date/Session/ : August 26, 1993 - one session.**

### **CASE SUMMARY**

Claimant alleged fraud, misrepresentation and negligence. Claimant alleged that Wheeler an agent of Malone sold her 5000 shares of Synergy Funding, Inc. ("Synergy"), in March of 1990. Claimant alleged that she was never given a prospectus. Claimant alleged that Wheeler told her that he had purchased 10,000 shares of Synergy for his own account and that he guaranteed a profit. Claimant alleged that Wheeler intentionally misrepresented the truth to her so that she would purchase Synergy.

Respondents did not submit Answers.

### **RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$5,020.00; plus, interest, attorney's fees and costs.

### **OTHER ISSUES CONSIDERED & DECIDED**

That the presiding Arbitrator determined that Respondent Malone was not adequately served with notice of this claim; therefore, Malone was dismissed as a party. That Respondent Wheeler was properly served with Claimant's claim, but decided not to claim mail that was sent by certified mail. That pursuant to the by-laws of the NASD and Section 12 of the Code of Arbitration Procedure, that Respondent Wheeler was required to submit to this matter. Therefore, the presiding Arbitrator exercised her jurisdiction over Wheeler.

### **AWARD**

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. That Respondent Wheeler is liable to the Claimant and shall pay the Claimant the sum of \$5,020.00 plus interest from March 30, 1990 to the date the award is paid at an interest rate of 6% simple interest per annum.
2. That Claimant's Claim for attorney's fees and costs are denied.

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3. That all other Claims are denied in their entirety.

**FORUM FEES**

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the presiding Arbitrator directs that the NASD, Inc. refund to the Claimant her hearing session deposit of \$200.00 and that Respondent Wheeler is assessed the hearing session fee of \$200.00.

Fees are payable to the National Association of Securities Dealers, Inc.

Arbitrator's Signature

Name

Public

  
D. Joan Sampieri

Date of Decision

August 26, 1993