

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

Name of Claimants

Larry E. Finkemeier, IND & TTEE/
Burgess Mechanical Pension &
Profit Sharing Plan

No. 93-00494

Name of Respondents

Michael Johnson
Ian Ken Wright

REPRESENTATION OF PARTIES

For Claimants: Carl Chinnery, Esq., Lees Summit, Missouri.

For Respondents: James C. Lieber, Esq., of Mitchell, Kristl &
Lieber, Kansas City, Missouri.

CASE INFORMATION

Statement of Claim filed on or about: February 8, 1993.

Claimants' Submission Agreements signed: February 1, 1993, and
March 8, 1993.

Joint Statement of Answer filed by Respondents on or about: June
2, 1993.

Respondents Submission Agreement signed on: June 1, 1993.

HEARING INFORMATION

Hearing date: October 5, 1993. Two (2) sessions.

Hearing Location: Kansas City, Missouri.

CASE SUMMARY

Claimants, Larry E. Finkemeier, IND & TTEE/Burgess Mechanical Pension & Profit Sharing Plan ("Claimant") alleged: Repeated mismanagement and mishandling of Claimant's account; failure to give prospectuses for some stock purchases that were made; failure to execute; failure to correct problems brought to management's attention; failure to inform Claimant that Biomet options would be written on the stock he had purchased; misrepresentations; and improper mixing of funds between the IRA account and the Pension account when they were transferred from Southwest Securities to Prime Investors by Respondents Michael L. Johnson and Ian Ken Wright. The allegations arose out of transactions in the following securities: Westmark International options; and Biomet stock and options.

In their joint Answer, Respondents denied the allegations set forth in the Statement of Claim.

RELIEF REQUESTED

Claimant requested an award as follows:

1. Personal Account:
Actual Damages.....\$18,251.25
Punitive Damages.....\$27,377.00
2. IRA Account
Actual Damages.....\$15,797.00
Punitive Damages.....\$23,696.00
3. Pension & Profit Sharing Account
Actual Damages.....\$Any IRS Penalty
Punitive Damages.....\$Double any Penalty
4. Total Damages.....\$85,121.25 plus triple
IRS Penalty

Respondents requested that the Statement of Claim be denied. In addition, Respondents also requested an award of their costs in answering Claimant's claim.

OTHER ISSUES CONSIDERED & DECIDED

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. Claimant's, Lary E. Finkemeier, IND & TTEE/Burgess Mechanical Pension & Profit Sharing Plan's, claims against Respondents, Michael L. Johnson and Ian Ken Wright are hereby denied and dismissed with prejudice.

OTHER COSTS

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

FORUM FEES

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

2 hearing sessions x \$750.00 = \$1,500.00

Pursuant to Section 43(c) of the Code, the NASD shall retain the nonrefundable filing fee in the amount of \$200.00, and shall retain the hearing session deposit in the amount of \$750.00 previously paid to the NASD by the Claimant.

Additional forum fees in the amount of \$750.00 are assessed against the Claimants.

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

CONCURRING ARBITRATORS

Dated:

Name:

October 23, 1993

/s/Bernard D. Craig, Jr.
Bernard D. Craig, Jr.
Presiding Chair
Public Arbitrator

October 25, 1993

/s/David K. Richards
David K. Richards
Industry Arbitrator

October 25, 1993

/s/James J. Danda
James J. Danda
Public Arbitrator

Date of Service by the NASD:

Nov 2, 1993