

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

James and Margaret McKinney

93-00518

Name of Respondent

Hibbard Brown & Co., Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on February 11, 1993, Claimant James & Margaret McKinney, who appeared Pro Se, alleged that Respondent Hibbard Brown & Co., Inc., through its representative, Dan Rottinghaus, used hard sell pressure tactics to convince them to purchase 1,000 shares of Site Based Media stock, which they were led to believe was sure to increase in value. The Claimants further alleged that the stock declined in value and that they later discovered that Mr. Rottinghaus was dismissed from the firm due to his sales tactics and that they should be compensated for losses they have incurred.

Respondent Hibbard Brown & Co., Inc., through its in-house counsel, Steven B. Caruso, Esq., maintained that it denies all allegations made by the Claimants, and that any losses sustained by the Claimant was a result of the market performance of their investment portfolio having failed to have met their expectations. The Respondent further maintained that the claim is without foundation, and that no basis exists to warrant consideration of the relief requested.

RELIEF REQUESTED

Claimants James & Margaret McKinney requested \$6,377.00 in actual damages.

Respondent Hibbard Brown & Co., Inc. requested that the claims of the Claimants be dismissed.

AWARD

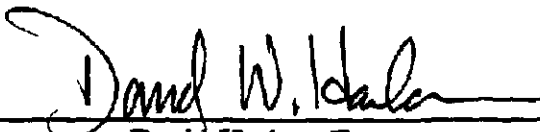
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, David Harlan, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on March 8, 1993 and by the Respondent on April 12, 1993.

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. Respondent Hibbard Brown & Co., Inc. is liable and shall pay to Claimants James & Margaret McKinney either \$5,500.00 in actual damages or shall return the purchase price of \$6,377.00 to the Claimants upon rescission of the 1,000 shares of Site Based Media, Inc. stock at the sole discretion of the Respondent.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc. Respondent Hibbard Brown & Co., Inc. is liable and shall pay \$150.00 to the Claimant as reimbursement.

AFFIRMATION

I, DAVID HARLAN, ESQ., 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.



David Harlan, Esq.

DATE OF DECISION: September 27, 1993