

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Joe and Gloria Manzi, ind/JTTEN

93-01420

Name of Respondents

Barrett Day Securities, Inc.
Sean Hadden

REPRESENTATION

For Claimants Joe and Gloria Manzi ("Claimants") appeared Claimant Joe Manzi.

For Respondent Barrett Day Securities, Inc. ("Barrett Day") appeared Ruthann Niosi, Esq., New York, NY.

Respondent Sean Hadden ("Hadden") participated in the hearing telephonically from Ireland.

CASE INFORMATION

The statement of claim was filed on April 7, 1993 and the claimants' submission agreement was executed on May 10, 1993.

Respondent Barrett Day's statement of answer was filed on December 27, 1993. Respondent Barrett Day did not execute a submission agreement.

Respondent Hadden's statement of answer was filed on June 29, 1993 and Respondent Hadden's submission agreement was executed on June 29, 1993.

HEARING INFORMATION

Pre-Hearing Conference:	June 27, 1994	-	One Session
Hearing Date/Sessions:	July 20, 1994	-	One Session

The hearing was held at the National Association of Securities Dealers, Inc.'s offices located in New York City, New York.

CASE SUMMARY

Claimant alleged that in July, 1991, Respondent Hadden approached claimants about purchasing 50,000 shares of Pan World Minerals; that Respondent Hadden stated that he and Barrett Day were controlling the destiny of Pan World; and that Respondent Hadden, in August of 1991 sold stocks out of claimants portfolio, without authorization, to purchase another 80,000 shares of Pan American.

Claimants further alleged that in November, 1992, Respondent Hadden advised claimant Joe Manzi that gold was found in significant quantities in the field; that after several of these "good news" calls, Respondent Hadden phoned and asked claimants to buy 130,000 additional shares at a price of \$.55 per share; and that Respondent Hadden promised claimant Joe Manzi that claimants could sell the stock back to Barrett Day at any time during December 1992 for \$.87 per share.

Further, Claimants alleged that Respondent Hadden advised claimant that Barrett Day did not want more than \$50,000.00 in each account; that Claimant, therefore, set up three additional accounts which were the Joseph Manzi, Gloria Manzi and Joe Manzi, and Gloria Manzi Jt/Ten accounts; and that in December, when claimant Joe Manzi attempted to liquidate the accounts, Respondent Hadden asked claimant to hold off until early January. Additionally, claimants alleged that it was early February 1993 before he was able to speak to Respondent Hadden and was informed that the stock was at \$.15 per share.

Respondent Barrett Day denied all allegations of wrongdoing as asserted against it in the Statement of Claim. Respondent Barrett Day denied that claimants purchased 50,000 shares of Pan World in July, 1991 through Barrett Day; admitted that a confirmation exists representing a purchase of 50,000 of Pan World minerals for trade date August 1, 1991; and denied that Barrett Day was controlling the destiny of Pan World Minerals.

Further, Respondent maintained that all monthly statements are mailed to customers by the clearing firm, not by Barrett Day Securities and that Barrett Day was never notified by the clearing firm of any problem in the dissemination, mailing or receipt of material to or by claimants.

Respondents further maintained that the claims are barred in whole or in part by the doctrines of ratification, estoppel, waiver and laches; that claimants approved, authorized, participated in and ratified the acts and transactions complained of and upon which recovery is sought and claimants is precluded from recovery herein; and that claimants failed to exercise reasonable care and diligence to minimize and mitigate any alleged damages and claimant is, therefore, precluded from recovery.

Respondent Hadden denied all allegations of wrongdoing asserted against him in the statement of claim. Respondent Hadden maintained that claimants transferred

their accounts from another brokerage firm to Barrett Day; that the stocks in their accounts failed to appreciate significantly; and that Claimants authorized Respondent to sell the stocks and use the proceeds to strengthen claimants' position in Pan World Minerals.

Respondent also denied allegations of unauthorized trading and denied that he was personally involved with the operation in Chile. Further, Respondent maintained that claimant Joe Manzi is a sophisticated investor and that Respondent Hadden never stated that he could control the destiny of the stock.

RELIEF REQUESTED

Claimants requested that the stock be bought back at the \$170,935.00 cost price.

Respondent Barrett Day requested that the claims as against them be dismissed in their entirety; that should the panel find against any of the Respondents, the award be specifically apportioned among the Respondents; and that the costs of the hearing not be held against them.

Respondent Hadden requested that the claims as against him be dismissed.

OTHER ISSUES CONSIDERED & DECIDED

The arbitration panel finds that Respondent Barrett Day Securities, Inc. was required to sign a submission agreement pursuant to Sections 12 and 25 of the Code of Arbitration Procedure, being an NASD member firm at the time this controversy arose. This panel finds that it has jurisdiction over Respondent Barrett Day Securities, Inc. pursuant to Section 12 of the code.

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 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. All claims against Respondents be and hereby are denied.
2. Each party shall bear their respective costs.
3. Respondent Barrett Day be and hereby is liable and shall reimburse the claimant the sum of \$950.00 representing forum fees

previously deposited by the claimant with the NASD.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed:

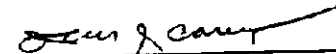
1 pre-hearing sessions X \$300 = \$300.00
1 session X \$750 = \$750 minus hearing session deposit of 750 = net \$0 due.

TOTAL OUTSTANDING FEES: \$300.00

Respondent Barrett Day Securities, Inc. be and hereby is liable and shall pay to the NASD the sum of \$300.00 representing outstanding forum fees.

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

Concurring Arbitrators' Signatures
Name



Neil J. Carey
Chairperson - Public Arbitrator

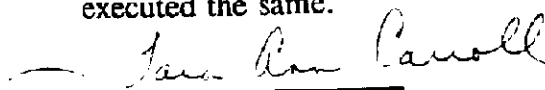
Edward T. Hill
Public Arbitrator

Austin C. Dowling
Industry Arbitrator

Date of Decision: August 30, 1994
STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

On this 25th day of August, 1994, before me personally appeared
NEIL J. CAREY known to me to be the individual described in and
who executed the foregoing instrument and duly acknowledged to me that he/she
executed the same.



TARA ANN CARROLL
NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 30, 1999

previously deposited by the claimant with the NASD.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed:

1 pre-hearing sessions X \$300 = \$300.00

1 session X \$750 = \$750 minus hearing session deposit of 750 = net \$0 due.

TOTAL OUTSTANDING FEES: \$300.00

Respondent Barrett Day Securities, Inc. be and hereby is liable and shall pay to the NASD the sum of \$300.00 representing outstanding forum fees.

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

Concurring Arbitrators' Signatures
Name

Neil J. Carey
Chairperson - Public Arbitrator

Edward T. Hill
Edward T. Hill
Public Arbitrator

Austin C. Dowling
Industry Arbitrator

Date of Decision: August 30, 1994

STATE OF

New York

COUNTY OF

Westchester

On this 25th day of August, 1994, before me personally appeared Edward T. Hill known to me to be the individual described in and who executed the foregoing instrument and duly acknowledged to me that he/she executed the same.

Susan Ciamarra

SUSAN CIAMARRA
Notary Public, State of New York
No. 4762712
Qualified in Westchester County
Commission Expires August 31, 1995

previously deposited by the claimant with the NASD.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed:

1 pre-hearing sessions X \$300 = \$300.00

1 session X \$750 = \$750 minus hearing session deposit of 750 = net \$0 due.

TOTAL OUTSTANDING FEES: \$300.00

Respondent Barrett Day Securities, Inc. be and hereby is liable and shall pay to the NASD the sum of \$300.00 representing outstanding forum fees.

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

Concurring Arbitrators' Signatures
Name

Neil J. Carey
Chairperson - Public Arbitrator

Edward T. Hill
Public Arbitrator

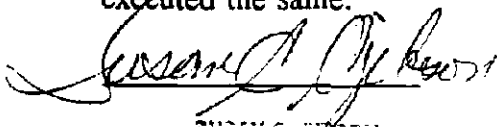

Austin C. Dowling
Industry Arbitrator

Date of Decision: August 30, 1994

STATE OF

COUNTY OF

On this 26th day of August, 1994, before me personally appeared Austin C. Dowling known to me to be the individual described in and who executed the foregoing instrument and duly acknowledged to me that he/she executed the same.



NOTARY

My Comm.