

11/95

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimants

Alfred L. Cox
Janet K. Cox

NASD Arbitration
No.93-01756

Name of Respondent

Thomas LaPlante

REPRESENTATION

For Claimants: Claimants appeared in pro per.

For Respondent: Respondent appeared in pro per.

CASE INFORMATION

Statement of Claim filed: April 30, 1993 and served on Respondent on March 28, 1995

Claimants' Submission Agreement signed: April 16, 1993

Statement of Answer filed: June 12, 1995

Respondent's Submission Agreement signed: None submitted.

HEARING INFORMATION

The hearing was held in Portland, Oregon, on October 26, 1995, and lasted one session.

CASE SUMMARY

Claimants alleged lack of suitability with respect to the purchase of the common stock of Nutrition Now, pursuant to the recommendation of Respondent.

Respondent denied the allegations of the claim, and asserted that no representations were made to Claimants regarding the security at issue, but that the investment was made according to Claimants' instructions.

RELIEF REQUESTED

Claimants requested damages of \$15,500.00.

Respondents requested dismissal of all claims.

OTHER ISSUES CONSIDERED AND DECIDED

Shortly before the hearing, Respondent notified the NASD that he would not attend the scheduled hearing and that he was no longer represented by counsel.

The panel determined it had jurisdiction over Respondent based upon his response to the claim and proper notice to him of the time and place of the hearing. Respondent's written submissions were used as his presentation of his case.

The panel determined to issue the Award in counterpart copies, with the originals to be retained by the NASD.

Respondent's written motion to dismiss was denied.

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. Respondent is liable for and shall pay to Claimants the sum of \$12,500 in satisfaction of all claims.
2. The parties shall each bear their respective costs of arbitration.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall retain the \$100 filing fee paid by Claimants and the \$400 hearing session deposit as an assessment of forum fees for one session.

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
Edwin J. Peterson	Public Chairperson
Martin Henner	Public Panelist
Philip W. Hauhuth	Industry Panelist

Concurring Arbitrators' Signatures

Edwin J. Peterson

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ARBITRATORS

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Edwin J. Peterson	Public Chairperson
Martin Henner	Public Panelist
Philip W. Hauhuth	Industry Panelist

Concurring Arbitrators' Signatures

Martin E. Henner

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