

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

William Caldbeck and Diane Caldbeck

93-02101

Name of Respondent

R.G. Dickinson & Co.

REPRESENTATION

For Claimants at the hearing: Bruce Pearson, Fargo, North Dakota.

For Respondent at the hearing: J. Jackson, Esq. and Catherine A. Gnatek, Esq.
of Dorsey & Whitney, Minneapolis, Minnesota.

CASE INFORMATION

Statement of Claim filed: May 25, 1993. Claimants, William and Diane Caldbeck's Submission Agreement signed on: May 11, 1993.

Statement of Answer filed by Respondent on: July 19, 1993.
Respondent's Submission Agreement signed on: July 14, 1993.

HEARING INFORMATION

Hearing Date/Sessions: December 8, 1993 for three (3) sessions.

Hearing Location: Minneapolis, Minnesota.

CASE SUMMARY

Claimants, William and Diane Caldbeck ("Caldbeck") alleged that they purchased a partnership interest in Signal Natural Gas Partners, 1900 ("Signal") from Respondent R. G. Dickinson & Company ("Dickinson"). Caldbeck alleged that Dickinson violated Rule 10(b)(5) of the Securities Act by failing to perform adequate due diligence, making misleading statements, omitting material facts, and breaching fiduciary responsibilities. Caldbeck alleged that if the investment had been properly represented to them, they would not have made the investment.

Respondent Dickinson denies each and every allegation of wrongdoing asserted in the Statement of Claim. Dickinson alleged that Caldbecks are knowledgeable investors and that they were informed of all information relevant to their investment and provided with an offering circular.

RELIEF REQUESTED

Claimants requested the return of their principal in the amount of \$12,500.00, interest at 7%, filing fees in the amount of \$500, and representative costs in the sum of \$1,250.00.

Respondents requested that the Statement of Claim be denied in its entirety, and award Respondent its costs and attorney's fees.

OTHER ISSUES CONSIDERED & DECIDED

During the hearing at the conclusion of Claimant's case, representative for the Claimant made a Motion for Directed Verdict. The panel denied the motion and ordered that the motion may be re-asserted at the end of the hearing.

Counsel for Respondent made a Motion To Dismiss prior to the presentation of his case. The panel denied the motion.

Counsel for Respondent made a motion to order claimant to pay half of the costs incurred for the court reporter. The panel denied the motion.

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. The claimant's Statement of Claim is denied and dismissed in its entirety;
2. Each of the parties shall bear their own costs and expenses incurred, including attorney's fees, other than those specifically set forth below under Forum Fees.

FORUM FEES

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

3 sessions X \$400 = \$1200 minus hearing session deposit of \$400 = net \$800 due.

Forum fees Assessed Against Claimants, jointly and severally, in the amount of \$400 and against the Respondent in the amount of \$400.

The additional forum fees assessed by the panel are payable to the National Association of Securities Dealers, Inc.

By The Arbitration Panel:

Dated:

<u>1-17-94</u>	<u>s/s</u>	<u>Arthur L. Sirkin, Esq.</u> Arthur L. Sirkin, Esq. Presiding, Public Arbitrator
<u>1-30-94</u>	<u>s/s</u>	<u>Seymour A. Robinson</u> Seymour A. Robinson Public Arbitrator
<u>1-18-94</u>	<u>s/s</u>	<u>James R. Olson</u> James R. Olson Industry Arbitrator

Date Award Served By The NASD: 2-02-94