

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Name of Claimants

James L. Vancina and Joyce E. Vancina

and

93-02511

Name of Respondents

Chatfield Dean Co., Inc. and
Steven Walsh

REPRESENTATION OF PARTIES

James L. Vancina and Joyce E. Vancina ("Claimants") were represented by Leo I. George, Esq., Washington, D.C.

Chatfield Dean Co., Inc. ("Chatfield") was represented by Christa D. Taylor, Esq. of Chatfield Dean & Co., Inc., Greenwood Village, Colorado.

Steven Walsh ("Walsh") appeared *pro se*.

CASE INFORMATION

The Statement of Claim was filed on or about June 25, 1993. Submission Agreement of Claimants was signed on May 7, 1993.

Statement of Answer was filed by Respondent Chatfield on or about July 21, 1993. Submission Agreement of Respondent Chatfield was signed on July 20, 1993 by Kenneth Bernstein.

Statement of Answer was filed by Respondent Walsh on or about August 18, 1993. Submission Agreement of Respondent Walsh was signed on August 14, 1993.

HEARING INFORMATION

The hearing was held on Friday, January 14, 1994 in Chicago, Illinois for a total of two (2) sessions.

CASE SUMMARY

Claimant alleged that they asked Respondent Walsh to sell their position in Royce Laboratories, Inc. in March, 1992 for \$6.00 per share when they noticed that the price was declining and Walsh refused to make the trade.

Respondent Chatfield denied that the Claimants placed an order to sell the securities. Chatfield further stated that it has a strict policy of executing orders immediately upon receipt regardless of market maker status or any other consideration. The following affirmative defenses were also asserted by Chatfield: Claimants have failed to state a claim upon which relief may be granted; one or more statutes of limitations bar the claim; and claimant failed to mitigate.

Respondent Walsh denied that Mr. Vancina had placed an order to sell the shares of Royce Laboratories, Inc. Walsh further stated that Mrs. Vancina was very upset that Mr. Vancina had lost money, that Mr. Vancina had told him on more than one occasion that he was afraid his wife would divorce him if he lost money on the investment in question.

RELIEF REQUESTED

Claimant requested an award in the amount of \$10,000.00 and attorney's fees. Claimants further requested that the arbitrator assess and award to us an amount of punitive damages sufficient to punish Chatfield for past misconduct, and a sufficient amount to insure that such unethical and unprofessional behavior will not occur in the future. In the alternative, Claimants requested an investigation to determine whether the activities complained of is an isolated incident or that misconduct of this nature is common, accepted, and condoned by the management of Chatfield Dean.

Respondent Chatfield requested that the claim be dismissed.

Respondent Walsh requested that the claim be dismissed.

OTHER ISSUES CONSIDERED & DECIDED

Chatfield Dean had filed a Motion for Partial Dismissal which was subsequently withdrawn by agreement of the parties.

The parties have agreed that a handwritten, signed Award may be entered and have agreed to receive conformed copies of the award while the original remains on file with the N.A.S.D.

AWARD


After considering the pleadings, the testimony, and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. The Statement of Claim is hereby dismissed and denied in its entirety.
2. The parties shall bear their own costs of arbitration, including attorney's fees, except for those specifically enumerated herein.

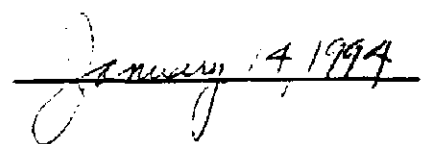
FORUM FEES

Pursuant to §43(c) of the N.A.S.D. Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. ("N.A.S.D.") shall retain the non-refundable filing fee in the amount of \$100.00 and shall retain as forum fees the hearing session deposit in the amount of \$300.00 previously deposited with the N.A.S.D. by the Claimants. Furthermore, the Claimants are liable for and shall pay as forum fees the additional sum of \$300.00.

Forum fees are calculated at the rate of \$300.00 per hearing session and \$300.00 for each prehearing conference, if any. Fees are payable to the National Association of Securities Dealers, Inc.


Robert W. Edler, Esq.
Public Arbitrator, Presiding Chair

Dated:


January 14, 1994