

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant

Donald R. Schoene

93-03127

Name of Respondent

Hibbard Brown & Co., Inc.

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**CASE SUMMARY**

In a claim filed with the National Association of Securities Dealers, Inc. on August 10, 1993, Claimant Donald R. Schoene, who appeared Pro Se, alleged that Respondent Hibbard Brown & Co., Inc., through its Account Executive, Tim Bouman, used high pressure sales tactics to convince him to purchase 1,000 shares of Site-Based Media Stock. The Claimant further alleged that the Respondent trained and unduly motivated its Account Executives to use high pressure sales tactics to call busy executives at work to buy a stock, which he later discovered was subject to investigation. The Claimant contended that the actions of the Respondent were out of the bounds of the responsible business community of securities traders, resulting in a loss for which he should be compensated.

Respondent Hibbard Brown & Co., Inc., through its in-house counsel, Steven B. Caruso, Esq., New York, NY, maintained that the Claimant chose to invest in the securities of Site-Based Media, Inc. knowing full well that there were increased degrees of risk associated with the pursuit of potentially greater returns. The Respondent also maintained that the Claimant had numerous telephone conversations with his Registered Representative for a period of over 2 months preceding the purchase date as well as many additional telephone conversations subsequent to the purchase, and that the Respondent committed no wrongdoing; therefore the claim should be dismissed.

**RELIEF REQUESTED**

Claimant Donald R. Schoene requested \$5,000.00 in actual damages.

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

**AWARD**

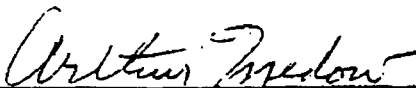
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Arthur Medow, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on August 31, 1993 and by the Respondent on February 9, 1994.

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. The claims of the Claimant Donald R. Schoene against Respondent Hibbard Brown & Co., Inc. are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

**AFFIRMATION**

I, ARTHUR MEDOW, 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.

  
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Signature of Arbitrator

DATE OF DECISION: June 27, 1994