

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Edward R. Marsh, Trustee
for the Edward R. Marsh Trust

93-04362

Name of Respondent

Chatfield Dean & Company, Inc.

Representation of Parties

Claimant, Edward R. Marsh, Trustee for the Edward R. Marsh Trust ("Claimant") was represented at the hearing by Paul Sussman, Esq. of the Law Offices of Paul Sussman, Chicago, Illinois.

Respondent, Chatfield Dean & Company, Inc. ("Respondent") was represented at the hearing by Christa D. Taylor, Esq. of Chatfield Dean & Company, Inc., Greenwood Village, Colorado.

Case Information

The Statement of Claim was filed on October 25, 1993. Claimant's Submission Agreement was signed on September 3, 1993.

The Statement of Answer was filed on February 15, 1994. Respondent's Submission Agreement was signed on January 13, 1994.

Hearing Information

The hearing was held on February 16, 1995 for three (3) sessions in Chicago, Illinois.

Case Summary

Claimant alleged in the Statement of Claim that Respondent engaged in misrepresentation of facts and misstatements of fact when recommending and selling shares of Royce Laboratory to Claimant during a tele-conference. Claimant further alleged that Respondent had a duty to disclose certain facts pertaining to Royce Laboratories.

Respondent stated in their Statement of Answer that they did not misrepresent facts pertaining to Royce Laboratories. Respondent further stated that they are not liable to Claimant for any losses he might have experienced in connection with the purchase.

Relief Requested

Claimant requested damages in the amount of \$24,331.25, plus interest from the date of purchase until the date of repayment, all costs, punitive damages, reasonable attorney's fees, and all other fair and equitable relief.

Respondent requested that the claim be dismissed.

Other Issues Considered and Decided

The parties present at the hearing have agreed that the Award in this matter may be executed by 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 original remains 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 Statement of Claim is denied in its entirety;
2. Each of the parties shall bear their own costs and expenses, including attorney's fees, other than those specifically enumerated under Forum Fees.

Forum Fees

Pursuant to Section 43(c) of the NASD Code of Arbitration Procedure, the following forum fees are assessed:

three hearing sessions X \$400 = \$1200 minus \$400 = net \$800 due to the NASD.

Pursuant to Section 43(c) of the Code of Arbitration, the NASD shall retain the nonrefundable filing fee in the amount of \$100, and shall retain the hearing session deposit in the amount of \$400 previously paid to the NASD by the Claimant.

The additional forum fees in the amount of \$800 are assessed against Respondent. Respondent Chatfield Dean shall also reimburse to the claimant fees which were previously deposited with the NASD by claimant in the sum of \$500.

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

By The Arbitration Panel:

Dated:

3/31/95

s/s David A. Youngerman
David A. Youngerman, Esq.
Presiding, Public Arbitrator

4/1/95

s/s Michael C. Craven
Michael C. Craven, Esq.
Public Arbitrator

4/3/95

s/s Frank R. Niederman
Frank R. Niederman
Industry Arbitrator

Date Award Served By The NASD: 4/7/95