

N.A.S.D. AWARD
NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

First Albany Corporation

94-00282

Name of Respondents

Obel H. Wells

REPRESENTATION

For Claimant: Jack D. Harvey, Esq. of Harvey and Harvey, Harvey & Mumford, Albany, New York.

For Respondent: Obel H. Wells represented himself.

CASE INFORMATION

Statement of Claim filed: December 28, 1993.

Claimant's Submission Agreement signed on: December 28, 1993.

Statement of Answer filed by Respondent on: March 10, 1994.

Respondent's Submission Agreement signed on: March 10, 1994.

HEARING INFORMATION

Hearing Dates / Sessions: December 2, 1994 / Two Sessions.

Hearing Location: Omni Albany Hotel
State and Lodge Street
Albany, New York

CASE SUMMARY

Claimant alleged that Respondent was liable for monies owed pursuant to four separate promissory notes, three of which were executed on February 18, 1988 and the fourth on June 1, 1989, which became due and owing upon Respondent's voluntary termination of employment with Claimant on September 10, 1990.

Respondent maintained that while Respondent was employed by Claimant he suffered a cardiac arrest, respiratory arrest, and received a heart transplant and as a result was declared totally disabled in September of 1988. Respondent further maintained that Claimant sent a letter of demand to Respondent on the promissory notes dated November 19, 1993. Respondent maintained that he believed that his disability excused his obligation under the note and that Claimant had forgiven the notes since more than three years passed from Respondent's termination and Claimant's November 19, 1993 demand.

RELIEF REQUESTED

Claimant requested:

1. An award in the amount of \$15,438.00; and
2. interest; and
3. costs and expenses and attorneys' fees; and
4. such other and further relief as the panel deems proper.

Respondent requested:

1. That he be forgiven of any obligations to Claimant.

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. Respondent is liable and shall pay to Claimant the sum of \$7,938.00.
2. Claimants request for interest is denied.

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3. Respondent is liable and shall pay to Claimant the sum of \$900 which represents one-half of Claimant's attorneys' fees.

FORUM FEES

Pursuant to Section 44 of the Code of Arbitration Procedure, the following Forum Fees are assessed.

2 sessions X \$300 = \$600 minus hearing session deposit of 300 = net \$300 due.

Forum fees Assessed Against:

1. Claimant is assessed the sum of \$600 which represents the total forum fees due, less \$300 hearing session deposit paid by Claimant, leaving \$300 due. Claimant is liable and shall pay to the NASD the sum of \$300.

Fees are payable to the National Association of Securities Dealers, Inc.

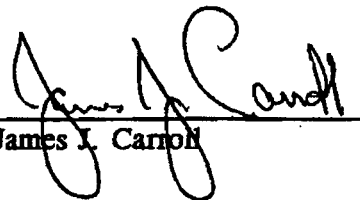
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Arbitrator's Signature

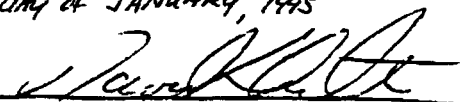
Name

Industry Chairman


James J. Carroll

Date of Decision: JANUARY 24, 1995

*SWORN TO ME THIS 16TH
DAY OF JANUARY, 1995*


~~NOTARY~~ NOTARY PUBLIC

My Commission Expires

2/5/96

County of San Diego