

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Barbara L. Walters, Judi Schmidt, et. al.

Case No:94-01537

Name of Respondent(s)

Donnellan Haylett Company, Inc., Marilyn Snodell-Griffing

REPRESENTATION

For Claimants, Barbara L. Walters, Judi Schmidt, et.al. ("Walters"):

W. Andrew Clayton Jr., Esq., of Synder, Groner, Schieb & Clayton in Sarasota, Florida

For Respondents, Donnellan Haylett Company, Inc. ("Donnellan"), Marilyn Snodell-Griffing, ("Griffing"):

Steven D. Hutton, Esq., of Matthews, Hutton & Eastmore in Sarasota, Florida

CASE INFORMATION

Statement of Claim filed: April 22, 1994.

Claimants' Submission Agreement signed : April 15, 1994

Respondents', Donnellan and Griffing, (Joint) Statement of Answer filed: August 23, 1994

Respondents, Donnellan and Griffing, did not sign Submission Agreements as required by Section(s) 12 and 25 of the Code.(see other issues)

HEARING INFORMATION

On September 12, 1995, in Sarasota, Florida, a Pre-hearing Conferences lasting 1 session was conducted (via telephone conference call) with an arbitrator.

On September 28 and 29, 1995, in Sarasota, Florida, hearings lasting 5 sessions were conducted.

CASE SUMMARY

Claimants alleged that the Respondents had engaged in unsuitable trading in the accounts of Barbara Walters, Judi Schmidt, Lara Cyril, and Todd Cyril. Claimants believe that the trading commenced by the Respondent were in violation of industry standards. Claimants also alleged the broker was churning the accounts in order to generate commissions. The damages incurred by the Claimants are listed in the "Relief requested" portion of this award.

Respondents, denied all allegations of wrongdoing and alleged that all trades were both suitable and in compliance with industry standards. respondents also deny any churning took place.

RELIEF REQUESTED

Claimants requested \$144,665.08 in trading losses, \$44,543.32 in interest, plus attorney fees and costs. The totals break down as follows:

Claimant	Trading Losses	Interest
Barbara Walters	\$51,512.71	\$15,793.80
Judi Schmidt	\$15,254.62	\$4677.07
Lara Cyril	\$52,048.15	\$15,957.96
Todd Cyril	\$25,849.60	\$7925.49

Respondents requested dismissal of all claims.

OTHER ISSUES CONSIDERED AND DECIDED

(1) The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award be entered. In either case, the parties have agreed to receive conformed copies of the Award while the original(s) remain on file with the NASD.

(2) The panel finds that Respondents were required to sign submission agreements pursuant to sections 12 and 25 of the Code, by the fact that the Respondents were either a NASD member or a person associated with an NASD member, at the time the facts giving rise to the controversy occurred.

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing and post-hearing submissions, the arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

(1) Respondents, Donnellan and Griffing, are found liable (jointly and severally) and shall pay to the Claimants the amount of \$62,100. The breakdown is as follows:

Barbara L. Walters	\$45,000
Judi Schmidt	\$ 1000
Lara Cyril	\$12,500
Todd Cyril	\$ 3,600

(2) Claimants' requests for interest, attorney's fees, and costs are denied.

OTHER COSTS

(1) The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

FORUM FEES

(1) Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Panel has assessed forum fees in the amount of \$4050.00.

(1 pre-hearing conference x \$ 300 plus 5 Hearing sessions x \$750).

(2) Respondents, Donnellan and Griffing, are hereby assessed \$4050 jointly and severally, payable to the National Association of Securities Dealers, Inc. / \$400 of which shall be paid directly to the Claimants, and \$3650 of which shall be paid to the National Association of Securities Dealers, Inc.

(3) The NASD shall retain the non-refundable filing fee of \$120 paid by the

Claimants.

(4) Respondents shall reimburse the Claimants \$120 for the no-refundable filing fee.

(5) The NASD shall retain the session deposit of \$400 paid by Claimant.

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

Concurring Arbitrator(s) Signature(s)

Dissenting Arbitrator(s) Signature

Date of Decision: 11-28-95

RECIPIENTS:

George S. Coit, Jr., Esq.
Jerrold E. Slutzky
Ruth C. Adrian