

**N.A.S.D. AWARD**

**NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.**

**In the matter of the Arbitration Between**

**Name of Claimant(s)**

**Frances E. Meyer, Trustee,  
Floyd & Frances Meyer Family Trust B**

**v.**

**NASD Arbitration  
No. 94-02108**

**Name of Respondent(s)**

**Gene Morgan  
Gene Morgan Financial**

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**REPRESENTATION**

**For Claimant:      Rory R. Wicks, Esq.,  
                             San Diego, California**

**For Respondents:   Robert E. Birne, Esq.,  
                             Olson Gibbons Sartain Nicoud Birne & Sussman, L.L.P.,  
                             Dallas, Texas**

**CASE INFORMATION**

**Statement of Claim filed: May 31, 1994**

**Claimant's Submission Agreement signed: August 28, 1994**

**Joint Statement of Answer filed by Respondents: October 18, 1994**

**Respondent Gene Morgan's Submission Agreement signed: October 18, 1994**

**Respondent Gene Morgan Financial's Submission Agreement signed: October 18, 1994**

### HEARING INFORMATION

Hearing Dates / Sessions: June 30, 1995/three sessions

Hearing Location: Los Angeles, California

### CASE SUMMARY

Claimant alleged that Respondents wrongfully held its restricted common shares of Spectrum Information Technology, that Respondents failed to execute timely Claimant's sell orders for the stock, and that Respondents charged excessive commissions on the sale.

Respondents denied the allegations, and asserted that any delay in execution of the sell orders was caused by Claimant's own conduct.

### RELIEF REQUESTED

Claimant requested damages, as amended, of more than \$163,000.

Respondents requested dismissal of all claims.

### OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in 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. Respondents are jointly and severally liable for and shall pay to Claimant the sum of \$41,495 in satisfaction of all claims.
2. The parties shall each bear their respective costs, including attorney's fees.

### FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall retain the \$200 non-refundable filing fee paid by Claimant.

Forum fees are to be split between the parties as follows:

Three sessions @ \$750/session	=	\$ 2,250.00
Total fees	=	\$ 2,250.00
Claimant's one-half share	=	\$ 1,125.00
Credit for deposit	=	<u>450.00</u>
Balance due	=	\$ 675.00
Respondents' joint & several share	=	\$ 1,125.00

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

**ARBITRATORS**

**Name** ..... **Public / Industry**

Frank R. Smith

Public Arbitrator

Robert L. Cole

Public Arbitrator

Jeffrey E. Skogsbergh

Industry Arbitrator

**Concurring Arbitrators' Signatures**



Frank R. Smith

\_\_\_\_\_  
Robert L. Cole

\_\_\_\_\_  
Jeffrey E. Skogsbergh

Date Served: 7/19/95

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<u>Name</u>	<u>Public / Industry</u>
Frank R. Smith	Public Arbitrator
Robert L. Cole	Public Arbitrator
Jeffrey E. Skogsbergh	Industry Arbitrator

**Concurring Arbitrators' Signatures**

\_\_\_\_\_  
Frank R. Smith

\_\_\_\_\_  
*Robert L. Cole*  
Robert L. Cole

\_\_\_\_\_  
Jeffrey E. Skogsbergh

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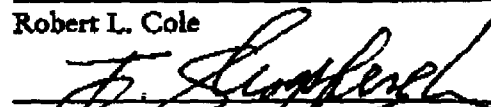
Name ..... Public / Industry

Frank R. Smith	Public Arbitrator
Robert L. Cole	Public Arbitrator
Jeffrey E. Skogsbergh	Industry Arbitrator

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