

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Christopher G. Wye/Estate of Ernest A. Wye, Jr.

Case No. 95-00521

Name of Respondent

Chatfield Dean & Company

REPRESENTATION

For Claimant, Christopher G. Wye/Estate of Ernest A. Wye ("Wye"): George Franjola, Esq. of Allen, Dyer, Doppelt, Franjola & Milbrath, P.A., Orlando, Florida.

For Respondent, Chatfield Dean & Company ("Chatfield Dean"): Christa D. Taylor, Esq., Corporate Counsel for Chatfield Dean, Greenwood Village, Colorado.

CASE INFORMATION

Statement of Claim filed: January 31, 1995.

Claimant's Submission Agreement signed on: July 7, 1994.

Statement of Answer filed by Respondent, Chatfield Dean on: March 23, 1995.

Respondent, Chatfield Dean's Submission Agreement signed on: March 24, 1995, by S. Cheryl Bauman on behalf of Chatfield Dean.

HEARING INFORMATION

On January 8 and 9, 1996 in Tampa, Florida, hearings lasting four sessions were conducted.

CASE SUMMARY

Claimant alleged that Respondent, through its employee, account executive George Bradley Taylor, recommended and sold securities to Ernest A. Wye, Jr. which were not suitable for a person of his age, income and net worth. Claimant sought damages of approximately \$60,000 along with prejudgment interest, attorneys' fees and costs.

Respondent denied that Ernest A. Wye, Jr. was an unsuitable investor given his sophistication, income, net worth and investment objectives.

Respondent alleged that Wye failed to state a claim which entitles him to relief, one or more statutes of limitations bar the claim, waiver, estoppel and laches bar the claim and Wye failed to mitigate his damages, if any.

RELIEF REQUESTED

Claimant requested actual damages of \$62,000, prejudgment interest, attorney fees, costs, punitive damages, and other relief as is appropriate.

Respondent requested that Claimant's Statement of Claim be dismissed and that the arbitrators award Chatfield Dean all costs and attorneys' fees incurred in defending the claim.

OTHER ISSUES CONSIDERED & 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 originals remain 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. Respondent, Chatfield Dean, is found not liable, and therefore, all claims against it are hereby dismissed.
2. Claimant's requests for prejudgment interest, attorney fees, costs, and punitive damages are hereby denied.

3. Respondent's requests for all costs and attorneys' fees incurred in defending the claim are hereby denied.

OTHER COSTS

Other than as provided below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Panel has assessed forum fees in the amount of \$2,000.00 (4 sessions x \$500.00 per session).

Claimant is hereby assessed \$1,000.00 for which the NASD shall retain the \$500.00 previously deposited in partial satisfaction thereof leaving a balance due to the NASD of \$500.00.

Respondent is hereby assessed \$1,000.00, payable directly to the National Association of Securities Dealers, Inc.

The NASD shall retain the non-refundable filing fee of \$150.00 paid by the Claimant.

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

Concurring Arbitrators' Signatures

Name

Public/Industry

/s/
George S. Coit, Jr., Esq.

Public

/s/
Beverly S. Gordon, Esq.

Industry

/s/
Walter E. Brittain

Public

Date of Decision: March 5, 1996