

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

William & Mary Mahoney

95-01135

Name of Respondents

James W. Bullard
J.W. Bullard & Co.

REPRESENTATION

Claimants William & Mary Mahoney ("Claimants") appeared pro se

Respondent James W. Bullard and as representative for J.W. Bullard & Co. ("Respondents") appeared pro se

CASE INFORMATION

Statement of Claim filed March 6, 1995
Claimants' Submission Agreement was signed on February 27, 1995

No Statement of Answer was filed by Respondents nor was a Submission Agreement executed by Respondents

HEARING INFORMATION

Hearing Date/Sessions: February 27, 1996/one session

Hearing Location: NASD District Office
Philadelphia, PA

CASE SUMMARY

Claimants, alleged among other things, that Claimants' portfolio account was transferred to Respondents on December 4, 1992. Claimants alleged that Respondents, and registered representatives under the control of Respondents, executed unauthorized trading in Claimants' account beginning on December 14, 1992. Claimants alleged that Respondents bought and sold, without authorization, shares of Alpnat, Inc., Pantheon Industries, Inc., MRI Medical Diagnostics, Inc. and E. Prime Aerospace which resulted in excessive losses to Claimants' account. Claimants alleged that Respondents put a restriction on Claimants' account on December 1, 1993 in error and Respondents failed to respond adequately to lift that restriction until March 1, 1994. Claimants alleged that Respondents refused to respond to communications from Claimants.

Claimants alleged that Respondents failed to properly exercise supervision over employees under Respondents' control. Claimants alleged that the actions of Respondents resulted in financial losses in Claimants' account.

Respondents, who appeared telephonically at the hearing, categorically denied all claims of wrong doing. Respondent James W. Bullard, Jr. maintained that he never acted as Claimants' account representative. Respondents maintained that to the best of Respondents' knowledge, all trading done in Claimants' account was authorized by Claimants. Respondents maintained that, in the event any unauthorized trading was executed in Claimants' account, it was transacted by rogue brokers who were subsequently terminated by Respondents. Respondents did acknowledge that Claimants' account may not have been properly supervised. Respondents maintained that any losses suffered by Claimants were not the responsibility of Respondents.

RELIEF REQUESTED

Claimants requested damages in the amount of \$20,710.52.

Respondent requested at hearing that the Statement of Claim be dismissed.

OTHER ISSUES CONSIDERED & DECIDED

At the request of Respondent James W. Bullard, Jr., and with no objection from Claimants, the Presiding Arbitrator allowed the Respondent James W. Bullard, Jr. to appear at the hearing via telephone conference call.

The Presiding Arbitrator exercised his jurisdiction pursuant to Section 12 of the NASD Code of Arbitration Procedure over Respondents James W. Bullard, Jr. and J.W. Bullard & Co. Respondent James W. Bullard, Jr., appeared via telephone conference call at the hearing and confirmed his agreement to submit to the panel on the record.

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. Respondents James W. Bullard, Jr. and J.W. Bullard & Co. are jointly and severally liable to and shall pay to Claimants the sum of \$8,955.00 inclusive of interest.
2. Each party shall bear their own expenses and costs except as specifically addressed herein.

3. Any and all relief not specifically addressed herein is denied in its entirety.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following Forum Fees are assessed.

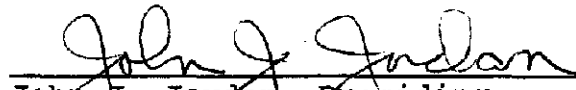
1 sessions X \$300.00 = \$300.00

Forum fees are assessed against Respondents. Respondents James W. Bullard, Jr. and J.W. Bullard & Co., jointly and severally, shall reimburse Claimants for the hearing session deposit submitted to the NASD in the amount of \$300.00.

DATE

ARBITRATOR'S SIGNATURE

2/28/95


John J. Jordan, Presiding
Public Arbitrator

Date of Decision:

February 29, 1996