

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant

Daniel J. Cronin

John O. Cronin

vs.

NASD Arbitration
No. 95-01600

Name of Respondent

Eric Lempe

RPR Clearing Services

Presidential Brokerage, Inc.

REPRESENTATION

For Claimants: Daniel J. Cronin, Esq, Cronin & Cronin, Escondido, California

For Respondents Presidential Brokerage and Lempe: Gregg A. Johnson, Esq, San Diego, California

CASE INFORMATION

Statement of Claim filed: March 30, 1995

Claimants' Submission Agreement signed: March 28, 1995

Joint Statement of Answer filed by Respondents Presidential Brokerage and Eric Lempe: June 12, 1995

Respondents's Submission Agreements signed:

Presidential Brokerage: June 12, 1995

Eric Lempe: June 13, 1995

HEARING INFORMATION

The hearing was held in San Diego, California as follows:

January 24, 1996 - 2 sessions
January 25, 1996 - 2 sessions

CASE SUMMARY

Claimants alleged misrepresentation, failure to disclose, negligence, and lack of suitability with respect to Respondents' recommendation to purchase shares of the common stock of Digital Communications and SOI Industries.

Respondents denied the allegations of wrongdoing, and asserted that claimants were sophisticated, experienced investors with knowledge and understanding of all transactions made in their account.

RELIEF REQUESTED

Claimants requested damages of \$46,735.00, plus interest.

Respondents requested dismissal of all claims, and an award of costs of arbitration.

OTHER ISSUES CONSIDERED AND DECIDED

Prior to hearing, Claimants dismissed all claims against RPR Clearing Services, and this entity was removed as a Respondent.

The parties have agreed that the Award in this matter may be executed in either 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. Respondents Presidential Brokerage and Eric Lempe are jointly and severally liable for and shall pay to Claimants the sum of \$34,865.00 plus interest for 1 year at 10%, for a total award of \$38,351.00.

2. The parties shall 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 Claimants' \$120.00 non-refundable filing fee.

Parties are assessed forum fees as follows:

Total fees:


4 sessions @\$400/session	\$1600.00
Claimants' one-half share	\$ 800.00
Credit for Deposit	<u>(\$ 400.00)</u>
Balance Due:	\$ 400.00
 Respondents' joint and several one-half share	 \$ 800.00

Fees are payable to the NASD, Inc.

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
Merton A. Bobo	Public/Chairperson
Ronald N. Roth	Public/Panelist
Richard M. Leigh	Industry/Panelist

Concurring Arbitrators' Signatures


Merton A. Bobo

Ronald N. Roth


Richard M. Leigh

Date of Decision: _____

Date Served: _____

Merton A. Bobo

Ronald N. Roth



Richard M. Leigh

Date of Decision: _____

Date Served: _____

Merton A. Bobo



Ronald N. Roth

Richard M. Leigh

Date of Decision: _____

Date Served: _____