

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Daniel L. Brenning

95-04016

Name of Respondents

The Ohio Company
Ralph R. Feamster

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 22, 1995, Claimant Daniel L. Brenning ("Claimant"), who appeared Pro Se, alleged that Respondents The Ohio Company ("TOC") and Ralph R. Feamster ("Feamster"), continuously mislead and defrauded him concerning his investment of five shares of The Cardinal Industries Income Properties I Limited Partnership ("Cardinal") to his detriment. Claimant further alleged that from the time he bought the investment in 1987 through July 30, 1990, the value of the investment was reflected at \$5,000.00 and without forewarning in 1990, the value fell to zero. Claimant contended that Cardinal filed for bankruptcy before the investment fell to a zero value. Claimant further contended that Respondents recommended an unsuitable investment and did not disclose properly to an unsophisticated investor. Claimant alleged that Cardinal had not been approved by the SEC and that as a result of the above, he has suffered a loss for which the Respondents should be held liable.

Respondents The Ohio Company, and Ralph R. Feamster, through their representative and in-house counsel, James A. Francis, Esq., maintained that Feamster and Claimant spent more than an hour and a half at Claimant's house discussing possible long term investments and that a Cardinal prospectus was left with him. Respondents further maintained that Cardinal was an investment which held real estate in Michigan and Ohio and Cardinal Industries was the largest and most experienced real estate developer in the country. Respondents contended that they were led to believe that Claimant met the suitability requirements of Cardinal. Respondents further contended that Cardinal has emerged from bankruptcy and continues to make distributions to investors. Respondents maintained that as a result of the above, they should not be held liable.

RELIEF REQUESTED

Claimant Daniel L. Brenning, requested \$5,000.00 in actual damages.

Respondents The Ohio Company and Ralph R. Feamster, requested that the claims of the Claimant be dismissed.

OTHER ISSUES CONSIDERED & DECIDED

The Arbitrator reviewed and considered all documentation submitted by the parties concerning the requests for a reconsideration of the NASD's response to Respondent's Motion To Dismiss pursuant to Section 15 of the NASD Code of Arbitration Procedure. The Arbitrator denied the requests.

AWARD

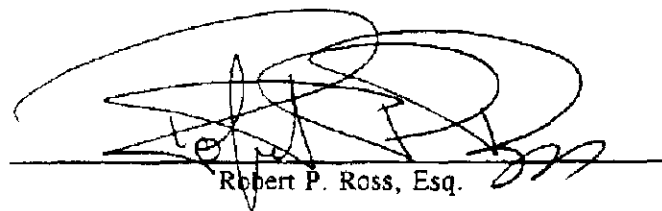
Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Robert P. Ross, Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant Daniel L. Brenning, on July 7, 1995, and by the Respondents The Ohio Company and Ralph R. Feamster, on September 15, 1995.

And, the Arbitrator, having considered the proof of the parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. The claims of the Claimant Daniel L. Brenning, against Respondents The Ohio Company and Ralph R. Feamster, are denied in their entirety.
2. The parties shall bear their respective costs.
3. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Daniel L. Brenning, shall be retained by the NASD, Inc.
4. All other relief requests are denied.

AFFIRMATION

I, **ROBERT P. ROSS, ESQ.**, do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.



Robert P. Ross, Esq.

DATE OF DECISION: January 5, 1996