

970803

AWARD

NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION

In the matter of the Arbitration Between

Name of Claimant(s)

Paul Campbell
C & M Fence
Campbell Family Credit Trust

Arbitration
No. 95-04410

Name of Respondent(s)

John F. Doyle
Thomas G. Chenoweth

REPRESENTATION

For Claimants: Gary S. Baum, Esq., Cardiff-by-the-Sea, California

For Respondent John F. Doyle: John J. Thornton, Esq., Quincy, Massachusetts

For Respondent Thomas G. Chenoweth: No appearance by Mr. Chenoweth

CASE INFORMATION

Statement of Claim filed: September 8, 1995

Claimants' Notice of Additional Respondents filed: March 22, 1996

Amendment to Claim filed: October 10, 1996

Amendment to Claim and Notice of Additional Respondent filed:
December 6, 1996

Claimants' Submission Agreements signed as follows:

Paul C. Campbell: August 29, 1995 and October 5, 1995

C & M Fence: October 5, 1995

Campbell Family Credit Trust: October 5, 1995

Statement of Answer filed by Respondent John F. Doyle: December 1, 1995

Amended Statement of Answer filed by Respondent John F. Doyle: September 13, 1996

Respondent John F. Doyle's Answer to First Amended Statement of Claim filed: March 17, 1997

Respondent John F. Doyle's Submission Agreement signed: September 10, 1996

Respondent Thomas G. Chenoweth did not file a Statement of Answer and Submission Agreement. However, he is subject to NASD Regulation, Inc. (NASDR) jurisdiction in accordance with Section 10301 of the NASDR Code of Arbitration Procedure.

HEARING INFORMATION

Pre-Hearing Conference Date(s)/Session(s): July 9, 1996 (one session)

Hearing Date(s)/Session(s): June 9, 1997 (two sessions)
June 10, 1997 (two sessions)

Hearing Location: San Diego, California

CASE SUMMARY

Claimants alleged the following claims with respect to various securities investments made in Claimants' accounts: 1) Negligence; 2) Intentional or Negligent Misrepresentation; 3) Churning; 4) Failure to Supervise; and 5) Unauthorized Discretion.

Respondent John F. Doyle denied that he was negligent in supervision of Claimants' four accounts with Dunhill Equities, Inc. (Dunhill), denied that he is liable to Claimants for intentional or negligent misrepresentation, churning or unauthorized discretion,

either actively or vicariously, and, denied that any of his activities as the Boston branch manager of Dunhill contributed to cause Claimants' trading losses. Respondent Doyle further denied that he failed to adequately supervise Respondent Thomas G. Chenoweth.

RELIEF REQUESTED

Claimants requested damages in the amount of \$84,079.00 and requested punitive damages, costs and attorney's fees.

Respondent Doyle requested that the panel determine that Doyle is not responsible to answer in damages to Claimants for any of Claimants' losses set forth in Claimants' Claim.

OTHER ISSUES CONSIDERED AND DECIDED

On or about April 18, 1996, Claimants dismissed with prejudice Respondent Morgan Stanley & Co. Incorporated.

On or about November 13, 1996, Claimants dismissed with prejudice First Montauk Securities Corp.

Prior to the hearing the arbitrators were advised of the bankruptcy filings with respect to Joseph G. Chiulli, Meridian, Dunhill & Co., Inc. and Dunhill Equities, Inc. and that the above-captioned matter is stayed with respect to these Respondents.

Respondent Thomas G. Chenoweth did not appear at hearing. The arbitrators determined that proper service and notice was effectuated with respect to Mr. Chenoweth and ruled to proceed in Mr. Chenoweth's absence.

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 NASDR.

The panel reviewed and considered Claimants' request of July 21, 1997 for leave to amend prayer for relief. The panel denied the request.

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AWARD

After considering the pleadings, the testimony, the evidence presented at the hearing and post-hearing submissions, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents John F. Doyle and Thomas G. Chenoweth are jointly and severally liable for and shall pay to Claimants the sum of \$30,000.00.

2. Additionally, Respondent Thomas G. Chenoweth is solely liable for and shall pay to Claimants the sum of \$54,079.00.

3. Claimants' claim for punitive damages is denied.

4. The parties shall each bear their respective costs, including attorney's fees.

FORUM FEES

Pursuant to Section 10332(c) of the Code of Arbitration Procedure, the following forum fees are assessed: The NASDR shall refund Claimants' hearing session deposit in the amount of \$450.00. Forum fees shall be split between Respondents John F. Doyle and Thomas G. Chenoweth and are calculated as follows:

One pre-hearing session @ \$500.00/session	=	\$ 500.00
Four hearing sessions @ \$500.00/session	=	<u>\$2,000.00</u>
Total fees assessed	=	\$2,500.00
 Respondent Doyle's share (50%)	=	\$1,250.00
Balance due	=	\$1,250.00
 Respondent Chenoweth's share (50%)	=	\$1,250.00
Balance due	=	\$1,250.00

Fees are payable to NASD Regulation, Inc.

ARBITRATORS

Name **Public / Industry**

Robert G. Bailey, Esq.

Public Arbitrator

James D. Knotter, Esq.

Public Arbitrator

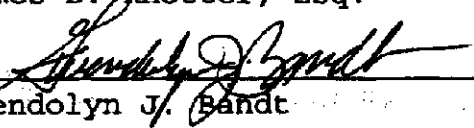
Gwendolyn J. Bandt

Industry Arbitrator

Concurring Arbitrators' Signatures

Robert G. Bailey, Esq.

James D. Knotter, Esq.



Gwendolyn J. Bandt

Date of Decision: July 18, 1997

Date Served: August 29, 1997

Date Served: August 29, 1997

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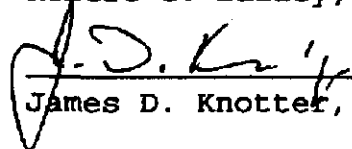
ARBITRATORS

Name Public / Industry

Robert G. Bailey, Esq.	Public Arbitrator
James D. Knotter, Esq.	Public Arbitrator
Gwendolyn J. Bandt	Industry Arbitrator

Concurring Arbitrators' Signatures

Robert G. Bailey, Esq.


James D. Knotter, Esq.

Gwendolyn J. Bandt

Gwendolyn J. Bandt

Date of Decision: August 25, 1997

Date Served: August 29, 1997

Date Served: August 25, 1997

ARBITRATORS

Name _____ Public / Industry

Robert G. Bailey, Esq.

Public Arbitrator

James D. Knotter, Esq.

Public Arbitrator

Gwendolyn J. Bandt

Industry Arbitrator

Concurring Arbitrators' Signatures



Robert G. Bailey, Esq.

James D. Knotter, Esq.

Gwendolyn J. Bandt

Gwendolyn J. Bandt

Date of Decision: _____

Date Served: August 29, 1997

Date Served: August 29, 1997