

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Ralphe Vawter

96-00084

Name of Respondent

M. Rimson & Co., Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on January 4, 1996, Claimant Ralphe Vawter, who appeared Pro Se, alleged that Respondent M. Rimson & Co., Inc. ("Rimson"), failed to supervise its employee, Alex Shindman ("Shindman"), who misrepresented himself, his firm, and the nature and value of the stock purchased for Claimant's account, Twilight Productions Ltd. ("TWIP"). Claimant further alleged that Shindman failed to provide the requested information on himself and Rimson, and that he claimed that Rimson was a member of the New York Stock Exchange and the American Stock Exchange, which it is not. Claimant contended that among other things, Shindman failed to provide information on TWIP, he claimed that the value of TWIP would rise dramatically, which it did not, and that he claimed TWIP traded over the counter when it was actually on "Bulletin Board". Claimant further contended that Shindman also failed to install Claimant's 10% stop loss order. Claimant maintained that his multiple attempts to resolve his complaints with Rimson have been unsuccessful, and that as a result of the above, he has suffered a loss for which the Respondent should be held liable.

Respondent M. Rimson & Co., Inc. failed to file an Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant Ralphe Vawter, requested \$10,000.00 in actual damages.

Respondent M. Rimson & Co., Inc. failed to file an Answer to the Statement of Claim.

OTHER ISSUES CONSIDERED & DECIDED

In accordance with Section 13 of the NASD Code of Arbitration Procedure, the Respondent M. Rimson & Co., Inc. was served by regular mail and given an opportunity to respond, which it failed to do. In addition, service of an overdue answer notice and notification of the arbitrator's identity was effected, as evidenced by the signed return receipt card on file at the NASD.

Pursuant to the By-laws of the NASD, the Arbitrator determined that Respondent M. Rimson & Co., Inc., had notice of the claim, and was required to submit to this arbitration proceeding; and is, therefore, bound by the arbitrator's ruling and determination.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Richard J. Jones, III, Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant Ralphe Vawter, on January 18, 1996, and not by the Respondent M. Rimson & Co., Inc., as required by Sections 12 and 13 of the NASD Code of Arbitration Procedure.

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. Respondent M. Rimson & Co., Inc. is liable and shall pay to the Claimant Ralphe Vawter, \$10, 000.00 in actual damages.
2. All other relief requests are denied.
3. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Ralphe Vawter, shall be retained by the NASD, Inc. Respondent M. Rimson & Co., Inc. is liable and shall pay to the Claimant Ralphe Vawter, \$150.00 as reimbursement of the filing fee.

AFFIRMATION

STATE OF *Florida*

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SS:

COUNTY OF *Hillsborough*

I, *Richard J. Jones, III*, 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.

Richard J. Jones, III

Signature of Arbitrator

DATE OF DECISION: May 29, 1996