

N.A.S.D. REGULATION, INC.  
STIPULATED AWARD

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In the Matter of the Arbitration Between

Name of Claimant

A.G. Edwards & Sons, Inc.

vs.

96-01896

Name of Respondent

Spencer W. Graham, II

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**REPRESENTATION**

For Claimant A. G. Edwards appeared William Port, Esq. in house counsel with A.G. Edwards located in St. Louis, Missouri.

Respondent Spencer Graham appeared pro se.

**CASE INFORMATION**

Statement of Claim filed: April 29, 1996

Claimant's Submission Agreement signed on: April 29, 1996

Respondent did not file an Answer or execute a Submission Agreement as required by Section 10314(b) of the Code of Arbitration Procedure.

**HEARING INFORMATION**

Pre-Hearing Conference: August 27, 1997 - One session

The conference was held via telephone.

**CASE SUMMARY**

Claimants alleged that on or about, June 14, 1995, Respondent opened an account with A.G. Edwards' branch office in Morgantown, West Virginia. Claimant alleged that on June 14, 1995 Respondent sold through his A.G. Edwards account 640 shares of First United Corporation ("First") and received proceeds totalling \$10,061.70.

Claimant alleged that on or about June 23, 1995, A.G. Edwards was informed by the transfer agent for First that due to an outstanding court judgement against Respondent and the First stock and therefore transfer of the stock certificates were rejected.

Claimant alleged that Respondent was informed of the problem and was requested to return the sales proceeds of \$10,061.70. Claimant alleged that despite further demands Respondent failed to return the sale proceeds and A.G. Edwards was forced to buy back the stock at a total cost of \$12,099.13. Claimant alleged that thereafter A.G. Edwards made demands upon Graham to eliminate the debit balance in the account. Claimant alleged that Graham made a payment of \$3,000.00 on October 10, 1995; however, has refused demands to pay the remaining debit of \$9,099.13.

#### **RELIEF REQUESTED**

Claimant requested an award in the amount of \$9,099.13, interest, costs and expenses.

Respondent did not submit an request for relief.

#### **OTHER ISSUES CONSIDERED & DECIDED**

The parties have agreed that the Award in this matter may be executed in 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 original remains on file with the NASD.

#### **STIPULATED AWARD**

During the hearing the parties, with the arbitrators consent and approval, stipulated to the following award:

1. Respondent is liable and shall pay to Claimant the sum of \$9,099.13, plus interest thereon at a legal rate of 6% pursuant to West Virginia Code, Chapter 47, Article 6, Section 5.

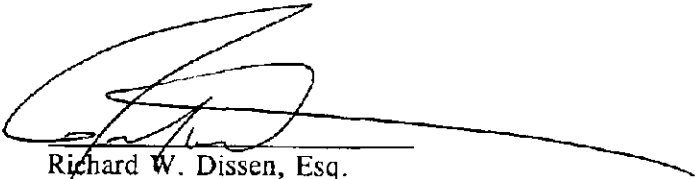
#### **FORUM FEES**

Pursuant to Rule 10332(c) of the *Code of Arbitration Procedure*, NASD Regulation shall retain the \$500.00 non-refundable filing fee and the \$100.00 member surcharge paid by Claimant and Claimant is assessed the following forum fees.

Forum Fees:   \$300.00                   (1 Pre-Hearing x \$300)

Claimant previously paid these fees.

ARBITRATOR'S SIGNATURE



Richard W. Dissen, Esq.  
Sole Public Arbitrator

Date of Decision: March 19, 1998