

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

---

In the Matter of the Arbitration Between

Name of Claimant

William H. Schmieder

96-01946

Names of Respondents

Retirement Investment Group, Inc.  
Gail Ann Gentry  
TEI Strategies, Inc.  
Aragon Financial Services, Inc.  
Thomas Cannon

---

REPRESENTATION

For Claimant: Jeffrey P. Coleman, Esq., Clearwater, Florida.

For Respondent Retirement Investment Group ("Retirement"): James H. Thornton of Retirement.

Respondent Gail Ann Gentry ("Gentry") did not appear.

Respondent TEI Strategies, Inc. ("TEI") did not appear.

Respondent Thomas Cannon ("Cannon") appeared pro se.

For Respondent Aragon Financial Services, Inc. ("Aragon"): Maritza Gonzalez, Esq., of the law firm of Shapo, Freedman & Bloom, Miami, Florida.

CASE INFORMATION

Statement of Claim filed: May 6, 1996.

Claimant's Request to Amend Statement of Claim to Add Respondent Aragon Financial Services, Inc. filed: March 3, 1997.

Claimant's Submission Agreement signed: April 22, 1996.

Statement of Answer filed by Respondent Aragon on: September 19, 1997.

Respondent Aragon did not file an executed Submission Agreement.

Respondents Gentry, Cannon, TEI and Retirement did not file executed Submission Agreements or Statements of Answer.

### **HEARING INFORMATION**

No hearings were conducted in this matter.

### **CASE SUMMARY**

Claimant alleged that he was led to believe through fraudulent and/or negligent misrepresentations, that the advice he was receiving was in his best interest and that his investments, as per his ongoing requests, were financially sound and conservative.

Respondent Aragon denied each and every allegation contained in Claimant's Statement of Claim and Claimant's Request to Add Respondent Aragon Financial Services, Inc.

### **RELIEF REQUESTED**

Claimant requested judgment, jointly and severally, against the Respondents as follows:

1. total compensatory damages of \$290,185.14 which included interest;
2. all costs, expenses and disbursements;
3. the filing fee paid to the NASD and all forum fees advanced, and;
4. such other relief as the arbitration panel deemed just and proper.

Respondent Aragon requested a dismissal of all claims.

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

On January 17, 1997, the Claimant notified this office that he was dismissing, with prejudice, all claims against Respondent Cannon. Thereafter, Respondent Cannon filed a Motion to Expunge all references to this arbitration proceeding from his CRD record which was granted by the arbitration panel.

On January 13, 1998, the Claimant notified this office that he was dismissing, with prejudice, all claims against all Respondents.

TEI is not a member of the NASD and did not submit to its jurisdiction.

### **AWARD**

After considering the pleadings and the Motion to Expunge, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

The Motion to Expunge all references to this arbitration proceeding from the CRD record of Respondent Thomas Cannon is granted.

### **FEES**

Pursuant to Rule 10332 of the Code of Arbitration Procedure ("Code"), NASD Regulation, Inc. shall retain the \$950.00 previously deposited by the Claimant.

Respondents Retirement Investment Group, Inc. and Aragon Financial Services, Inc. are each assessed the sum of \$350.00 representing the member surcharges pursuant to Rule 10333 of the Code.

Concurring Arbitrators' Signatures

Name

Public/Industry

  
John P. Cullem, Esq.

Public

  
R. Andrew Dupree, Esq.

Public

  
Raphael M. Kelly

Industry

Date of Decision:

1/28/98