

NASD REGULATION, INC. AWARD

OFFICE OF DISPUTE RESOLUTION

In the Matter of the Arbitration Between

Name of Claimant

Eileen P. Will

96-04127

Names of Respondents

Laidlaw Equities, Inc.
Christopher Duncan Bell
Robert C. Delaplain
John A. Tommasini

REPRESENTATION

For Claimant Eileen P. Will ("Claimant") appeared Sanford B. Potters, Esq., a sole practitioner located in New York, New York.

For Respondents Laidlaw Equities, Inc. ("Laidlaw"), Robert C. Delaplain ("Delaplain") and John A. Tommasini ("Tommasini") appeared Ruthann G. Niosi, Esq., a private practitioner located in New York, New York.

For Respondent Christopher Duncan Bell ("Bell") appeared Mark J. Astarita, Esq. of the firm Gusrae, Kaplan & Bruno located in New York, New York.

CASE INFORMATION

Claimant's Statement of Claim was filed on September 19, 1996.
Claimant's Submission Agreement was signed on September 12, 1996.

Joint Statement of Answer filed by Respondents Laidlaw, Delaplain, and Tommasini on November 19, 1996.

Respondent Laidlaw's Submission Agreement was signed on March 14, 1997.
Respondent Delaplain's Submission Agreement was signed on March 14, 1997.
Respondent Tommasini's Submission Agreement was signed on March 17, 1997.

Respondent Bell's Statement of Answer filed on November 12, 1996.
Respondent Bell did not execute a Submission Agreement as required by Rule 10314 of the Code of Arbitration Procedure.

HEARING INFORMATION

Hearing Dates/Sessions:	April 3, 1997	Two Sessions
	April 4, 1997	Two Sessions
	September 29, 1997	Two Sessions
	September 30, 1997	Two Sessions

The hearings were conducted at the offices of NASD Regulation, Inc., located in New York, New York.

CASE SUMMARY

Claimant alleged that Respondent Bell, an employee of Respondent Laidlaw, offered erroneous advice, upon which she acted, regarding her account with Respondent Laidlaw. Claimant also alleged that Respondent Bell breached his fiduciary duty to Claimant, negligently and/or intentionally made misrepresentations to Claimant and acted maliciously. Claimant further alleged that Respondents Delaplain and Tommasini, as officers and/or supervisors responsible for the management and operation of Laidlaw and its employees, failed to properly supervise and control Respondent Bell, failed to inquire as to the propriety of the opening and funding of Claimant's account, conspired with Respondent Bell and assisted him with regard to the dissemination of erroneous information fraudulent advice.

Respondents Laidlaw, Delaplain and Tommasini specifically denied all allegations contained in the Statement of Claim. Respondents Laidlaw and Delaplain maintained that they did not make any fraudulent recommendations to Claimant. Respondents Laidlaw, Delaplain and Tommasini also maintained that they did not fail to supervise Respondent Bell, that there was no impropriety in the opening and funding of the Claimant's account, denied any dissemination of fraudulent advice, and denied any conspiracy to disseminate fraudulent advice to the Claimant. Respondents Laidlaw, Delaplain and Tommasini further maintained that Claimant ratified all trading which occurred in her account through her actions.

Respondent Bell denied the allegations set forth in the Statement of Claim in so far as they allege any wrongful conduct on the part of Respondent Bell. Respondent Bell maintained that he gave Claimant appropriate and professional investment advice as dictated by Claimant's then financial condition and expectations.

RELIEF REQUESTED

Claimant requested: (1) actual damages in the amount of \$311,000.00; (2) attorneys' fees in the amount of \$93,000.00; (3) punitive damages in an amount to be determined by the arbitrators; (4) interest on the foregoing claim and cost and disbursements of this proceeding; and, (5) such other and further relief as the arbitrators may deem appropriate.

Respondents Laidlaw, Delaplain and Tommasini requested that the claims against them be dismissed in their entirety.

Respondent Bell requested that: (1) the arbitrators deny the damages sought in the Statement of Claim; and (2) costs and attorneys' fees incurred in this proceeding.

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 originals remain on file with the NASD.

AWARD

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

1. Respondent Bell be and hereby is liable and shall pay to Claimant the sum of \$7,734.00 in compensatory damages plus 6% in pre- and post-judgment interest from April 15, 1996 to date of payment.
2. Respondents, Tommasini, Delaplain and Laidlaw's Motion to Dismiss is granted.
5. Claimant's request for punitive damages is denied.
6. Each party shall bear their respective costs, including attorneys' fees.
7. All other requests for relief are hereby denied.

FORUM FEES

Pursuant to Rule 10332(c) of the Code of Arbitration Procedure, the arbitrators have determined that NASD Regulation, Inc. shall retain the \$200.00 non-refundable filing fee submitted by the Claimant and have assessed the following forum fees:

8 Hearing Sessions x \$750.00	=	\$6,000.00
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1. Claimant is assessed the sum of \$3,000.00, representing one-half of the total forum fees, less \$750.00 previously deposited, leaving \$2,250.00 due. Claimant is liable and shall pay NASD Regulation, Inc., the sum of \$2,250.00.
2. Respondent Bell is assessed the sum of \$3,000.00, representing one-half the total forum fees due. Respondent Bell is liable and shall pay to NASD Regulation, Inc., the sum of \$3,000.00.

Fees are payable to the National Association of Securities Dealers, Inc.

I, Fred S. Pieroni, do hereby affirm pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my decision in the above-referenced matter.

Fred S. Pieroni

Fred S. Pieroni
Public Chairman

I, William A. Mechmann, Esq., do hereby affirm pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my decision in the above-referenced matter.

William A. Mechmann, Esq.
Public Panelist

I, James R. Madan, do hereby affirm pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my decision in the above referenced matter.

James R. Madan
Industry Panelist

Date of Decision: December 24, 1997

I, Fred S. Pieroni, do hereby affirm pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my decision in the above-referenced matter.

Fred S. Pieroni
Public Chairman

I, William A. Mechmann, Esq., do hereby affirm pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my decision in the above-referenced matter.

William A. Mechmann, Esq.
Public Panelist

I, James R. Madan, do hereby affirm pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my decision in the above-referenced matter.

James R. Madan
Industry Panelist

Date of Decision: December 24, 1997

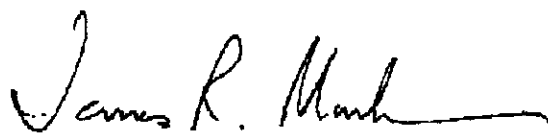
I, Fred S. Pieroni, do hereby affirm pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my decision in the above-referenced matter.

Fred S. Pieroni
Public Chairman

I, William A. Mechmann, Esq., do hereby affirm pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my decision in the above-referenced matter.

William A. Mechmann, Esq.
Public Panelist

I, James R. Madan, do hereby affirm pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my decision in the above-referenced matter.



James R. Madan
Industry Panelist

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