

N.A.S.D. REGULATION AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.

CASE: 96-04946

Estate of Harry R. Zimmer, Sr., claimant v. Fifth Third Securities, Inc., Mark G. Srofe, Peter G. Bielan and Scott Degeberg, respondents.

ATTORNEYS:

Claimant appeared Pro Se through the executrix Samantha A. Howell - Cincinnati, OH.

For Respondents Fifth Third Securities, Inc., Peter G. Bielan and Scott Degeberg appeared Fred L. Darlington, Esq., - Cincinnati, OH.

Respondent, Mark G. Srofe appeared Pro Se. - Cincinnati, OH

DATE FILED: 11/6/96.

CASE SUMMARY: Claimant alleged unsuitability, misrepresentation, dispute over commission structure of front load mutual funds.

Claim Data

Claim: \$7,168.30
Punitive: \$.00
Atty Fees: \$900.00
Filing Fees: \$150.00
Other: \$.00

Award Data

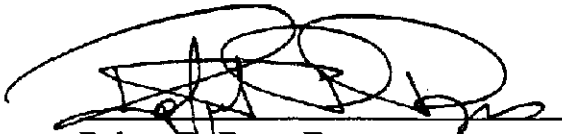
Award: \$6,000.00
Punitive: \$.00
Atty Fees: \$.00
Filing Fees: \$75.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents Fifth Third Securities, Inc., Peter G. Bielan, and Mark G. Srofe are jointly and severally liable and shall pay to the claimant \$6,000.00. 2) All requests for attorney fees are denied. 3) All other requests for relief are denied. 4) The \$150.00 filing fee previously deposited by the claimant with the National Association of Securities Dealers Regulation, Inc. shall be retained by NASD Regulation, Inc. Respondents Fifth Third Securities, Inc., Peter G. Bielan, and Mark G. Srofe are jointly and severally liable and shall pay claimant \$75.00 as reimbursement for one-half of the filing fee.

OTHER ISSUES: Respondents Fifth Third Securities, Inc. and Peter G. Bielan moved for extension of time to file an Amended Answer. The Arbitrator denied the motion but confirmed that he considered the Affidavit and Brief. Respondents Peter G. Bielan and Scott Degeberg made a motion to be dismissed with prejudice from the arbitration. The Arbitrator denied the motion to dismiss Peter G. Bielan. Prior to the decision on the merits the claimant withdrew with prejudice, all claims against respondent Scott Degeberg.

AFFIRMATION

I, Robert P. Ross, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



Robert P. Ross, Esq.

June 25, 1997
Date of award