

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Thimi Pappas

Case No. 99-01266

Name of Respondent

Wheat First Securities, Inc.

REPRESENTATION OF PARTIES

Claimant, Thimi Pappas ("Claimant") was represented by Melvin E. Caine, Attorney at Law, Media, PA.

Respondent, Wheat First Union f/k/a Wheat First Butcher Singer ("Respondent") was represented by Brian A. Carlis, Esq. of the law firm of Start & Stark, Lawrenceville, NJ.

CASE INFORMATION

Statement of Claim filed on: June 29, 1999

Amended Statement of Claim filed on: November 15, 1999

Claimant signed his Uniform Submission Agreement: March 29, 1999

Statement of Answer filed by Respondent on: July 16, 1999

Respondent's responses to Claimant's Amended Statement of Claim filed: December 3, 1999

Respondent's Uniform Submission Agreement was executed by Robert Mooney, Managing Director of Wheat First Securities, on: June 22, 1999

CASE SUMMARY

Claimant asserted the following causes of action: breach of the Pennsylvania Unfair Trade Practices and Consumer Protection Law 73 Pa. C.S. Sec 201-2(3); Violation of Section 10(b) and Rule 10b-5; breach of fiduciary duty; breach of contract; breach of suitability; unauthorized trading; failure to execute trades in accordance with instructions; fraud, conversion, and negligence; and, liability of Respondent under 20(a) of the Securities Exchange Act of 1934. The causes of action relate to the Respondent's recommendation and Claimant's subsequent purchase of Cambridge Government Portfolio Class B Mutual Fund.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and maintained, among other things, the following defenses: Claimant's failure to timely object to any of the transactions of which he complains constitutes a ratification of these transactions and a waiver or estoppel of Claimant's right to any recovery sought in the Statement of Claim; Claimant's claims are barred by all applicable statutes of limitations, the claim fails to state a claim upon which relief can be granted; Claimant directed, approved and authorized each and every transaction in his account; Claimant failed to mitigate his alleged damages; all losses were the result of market conditions and other factors beyond Respondent's control; all recommendations and subsequent transactions were suitable; any duty that Respondent owed Claimant was fully and faithfully carried out; Claimant knew and was aware of the risks associated with his investments; and, the claim is barred by the doctrine of laches.

RELIEF REQUESTED

Claimant requested in his amended claim:

Compensatory Damages	\$29,465.07
Treble Damages	\$88,395.21
Attorneys' Fees	unspecified
Other Costs	unspecified

Respondent requested that Claimant's claim be dismissed with prejudice, together with an award of all reasonable costs and expenses, including reasonable attorneys' fees.

OTHER ISSUES CONSIDERED AND 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.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. That Claimant's claim is denied in its entirety.
2. That the parties shall bear their respective attorney's fees and costs; except as Fees are addressed below.
3. That any and all claims for relief requested not specifically addressed herein are denied in their entirety.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$200

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the event giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge = \$1,500

Pre-hearing process fee = \$ 600

Hearing process fee = \$2,500

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

2 Pre-hearing sessions with Panel x \$750 = \$1,500

Pre-hearing conferences: November 4, 1999 1 session

February 7, 2000 1 session

2 Hearing sessions x \$750 = \$1,500

Hearing session: April 17, 2000 2 sessions

Total Forum Fees = \$3,000

The Panel has assessed \$3,000 in forum fees against Claimant.

Fee Summary

Claimant is assessed the following fees:

Initial Filing Fee = \$ 200

Forum Fees = \$3,000

Total Fees = \$3,200

Less payments = \$ 950

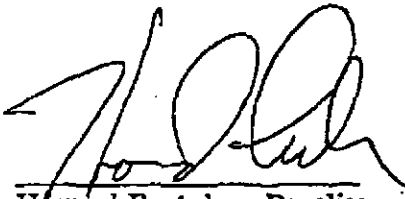
Balance Due NASD Regulation, Inc. = \$2,250

— Respondent is assessed the following forum fees:

Member Fees	= \$4,600
Total Fees	= \$4,600
<u>Less payments</u>	<u>= \$3,900</u>
Balance Due NASD Regulation, Inc.	= \$700

= Concurring Arbitrators' Signature(s)

Rafael Porrata-Doria, Jr., Esq., Presiding Chair
Public Arbitrator



Howard B. Asher, Panelist
Public Arbitrator

Date Award Signed

5/25/00
Date Award Signed

David S. Molorsky, Panelist
Industry Arbitrator

Date Award Signed

Date Award Served by NASD Regulation, Inc.

May 26, 2000

Concurring Arbitrators' Signature(s)

Rafael Porrata-Doria, Jr., Esq., Presiding Chair
Public Arbitrator

Date Award Signed

Howard B. Asher, Panelist
Public Arbitrator

Date Award Signed


David S. Molotsky, Panelist
Industry Arbitrator


Date Award Signed

Date Award Served by NASD Regulation, Inc.

May 26, 2000