

**Stipulated Award  
NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Name of the Claimants

Patrick L. Chalmers  
Adriene D. Chalmers

Case Number: 99-01975

Name of the Respondents

Wheat First Securities, Inc.  
John E. Atkinson

Hearing Site: Baltimore, MD

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**REPRESENTATION OF PARTIES**

Claimants Patrick L. Chalmers and Adriene D. Chalmers, hereinafter collectively referred to as "Claimants", were represented by John H. West, III, Esq., West & Moore, LLC, Baltimore, Maryland.

Respondents Wheat First Securities, Inc. ("Wheat First") and John E. Atkinson ("Atkinson"), hereinafter collectively referred to as "Respondents", were represented by Brian A. Carlis, Esq., Stark & Stark, Princeton, New Jersey.

**CASE INFORMATION**

Statement of Claim filed April 27, 1999.

Claimant Patrick L. Chalmers signed the Uniform Submission Agreement on April 25, 1999.

Claimant Adriene D. Chalmers signed the Uniform Submission Agreement on April 25, 1999.

Statement of Answer filed by Respondents on July 19, 1999.

A representative of Respondent Wheat First signed the Uniform Submission Agreement on June 8, 1999.

Respondent Atkinson signed the Uniform Submission Agreement on July 21, 1999.

**CASE SUMMARY**

Claimants asserted the following causes of action: breach of contract; breach of fiduciary duty; negligence; negligent misrepresentation; violation of Maryland Securities Act; and, negligent supervision. The causes of action relate to the purchase and sale of unspecified securities.

Unless specifically admitted in their Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: failure to state a claim; ratification; estoppel; failure to mitigate damages; waiver; ratification; statutes of limitation; and, laches.

### **RELIEF REQUESTED**

Claimants requested the following damages:

Compensatory Damages	\$ 200,000.00
Punitive Damages	\$ 400,000.00
Interest	amount unspecified
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondents requested that the Statement of Claim be dismissed with prejudice together with an award of all reasonable costs and expenses, including reasonable attorneys' fees, costs of suit and such further relief as the panel deems just and proper.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Prior to the hearing, the Parties fully and finally settled all claims by and between them. Therefore, the Parties submit this Stipulated Award to the Panel for its consideration and request that it be entered.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies.

### **AWARD**

Pursuant to the above, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The listed Parties have amenablely resolved their differences and have requested this Stipulated Award;
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent John E. Atkinson's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent John E. Atkinson must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;
3. The parties shall bear their respective costs, including attorney's fees, except as Fees are specifically addressed below; and,
4. Any and all relief not specifically addressed herein, including punitive damages, is denied in its entirety.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 375.00

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Wheat First Securities, Inc. is a party.

Member surcharge = \$ 2,000.00

Pre-hearing process fee = \$ 600.00

Hearing process fee = \$ 3,500.00

#### **Forum Fees and Assessments**

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

One (1) Pre-hearing sessions with Panel @ \$1,200.00 = \$ 1,200.00

Pre-hearing conference: January 12, 2000 1 session

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Total Forum Fees = \$ 1,200.00

1. The Panel has assessed \$ 600.00 of the forum fees to Claimants.
2. The Panel has assessed \$ 300.00 of the forum fees to Respondent Wheat First.
3. The Panel has assessed \$ 300.00 of the forum fees to Respondent Atkinson.

**Fee Summary**

1. Claimants are assessed:

Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 600.00

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Total Fees	= \$ 975.00
Plus Retained Hearing Session Deposit: <sup>1</sup>	= \$ 600.00
Less payments	= \$ 1,575.00

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Balance Due NASD Dispute Resolution	= \$ 0.00
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2. Respondent Wheat First is assessed:

Member Fees	= \$ 6,100.00
Forum Fees	= \$ 300.00

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Total Fees	= \$ 6,400.00
Less payments	= \$ 6,100.00

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Balance Due NASD Dispute Resolution	= \$ 300.00
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3. Respondent Atkinson is assessed:

Forum Fees	= \$ 300.00
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Total Fees	= \$ 300.00
Less payments	= \$ 0.00

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Balance Due NASD Dispute Resolution	= \$ 300.00
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All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

**ARBITRATION PANEL**

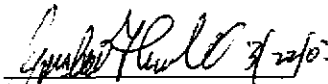
Gordon F. Linke	-	Non-Public Arbitrator, Chairperson
Wilbert H. Luck, Sr.	-	Public Arbitrator, Panelist
Kenneth F. Baer, CPA	-	Public Arbitrator, Panelist

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<sup>1</sup> Pursuant to Rule 10332(f) of the NASD Code of Arbitration Procedure.

**Concurring Arbitrators' Signatures**

\_\_\_\_\_  
Gordon F. Linke  
Non-Public Arbitrator, Chairperson

  
\_\_\_\_\_  
Signature Date

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Wilbert H. Luck, Sr.  
Public Arbitrator, Panelist

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Kenneth F. Baer, CPA  
Public Arbitrator, Panelist

\_\_\_\_\_  
Signature Date

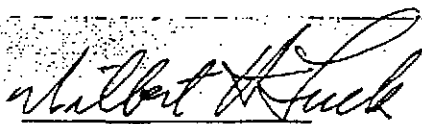
September 4, 2003  
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution  
Arbitration No. 99-01975  
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\_\_\_\_\_  
Gordon F. Linke  
Non-Public Arbitrator, Chairperson

\_\_\_\_\_  
Signature Date



Wilbert H. Luck, Sr.  
Public Arbitrator, Panelist

8/22/03

\_\_\_\_\_  
Signature Date

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Kenneth F. Baer, CPA  
Public Arbitrator, Panelist

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Signature Date

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Public Arbitrator, Panelist

\_\_\_\_\_  
Signature Date

Kenneth F. Baer, C.P.A.  
Kenneth F. Baer, CPA  
Public Arbitrator, Panelist

9/3/03  
Signature Date

September 4, 2003  
Date of Service (For NASD Dispute Resolution office use only)