

MSRB
MUNICIPAL SECURITIES RULEMAKING BOARD

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MAY 27 1992

In the Matter of the Arbitration between

Claimants,

v.

BOETTCHER & COMPANY, A DIVISION OF KEMPER
SECURITIES GROUP, INC and JOHN T. WOLFF,

Respondents.

AWARD

MS 91-50

The Undersigned, pursuant to section 31 of MSRB rule G-35, hereby
state as follows:

CASE SUMMARY

Claimants allege that on or about June 13, 1988, Respondent John T. Wolff ("Respondent Wolff") a representative of Respondent Boettcher & Company, a division of Kemper Securities Group, Inc. ("Respondent Boettcher"), advised Claimants to sell \$30,000 TOWER MET DIST COLO RFDG & IMPT CPN 10.500% DUE 8/15/05 DTD 8/15/85 PRE 8/15/85 @ 102.00, and to purchase \$35,000 CASTLE PINES NORTH MET DIST COLO SER B CPN 9.75% DUE 12/01/04 DTD 7/15/86 ("Castle Pines North Bonds"). Claimants also allege, among other things, that Respondents Wolff and Boettcher knew at the time of the trades that the Castle Pines North Metropolitan District (the "District") was in financial difficulty, but that Respondents failed to advise Claimants of same. Claimants further allege that at the time of trades Respondent Boettcher had a member of its firm working with the Board of Directors of the District on bond restructuring efforts.

Respondents generally deny Claimants' allegations. Respondents argue, among other things, that neither Respondent Wolff nor Respondent Boettcher knew on June 13, 1988 that the District was experiencing financial difficulty. Respondents also deny that Respondent Boettcher was working with the District's Board of Directors on bond restructuring efforts on or about June 13, 1988.

RELIEF REQUESTED

Claimants seek to recover \$35,000, which represents the purchase price for the Castle Pines North Bonds, plus interest in the amount of \$1,706.25 for every six-month period beginning December, 1990, until the claim is settled, plus a refund of their \$400 arbitration deposit and any additional costs required to file and process this claim.

Respondents request that the Claimants' claim be denied.

AWARD

On March 4, 1992, in Denver, Colorado, the undersigned arbitrators heard the controversy between the parties set forth in submissions to the arbitrators signed by the Claimants on July 23, 1991 (filed with the MSRB on August 14, 1991); by Respondent Boettcher on October 14, 1991; and, by Respondent Wolff on October 10, 1991. The arbitration panel, having considered the pleadings, the testimony and the evidence presented at the hearing, has determined, in full and final resolution of the issues submitted for determination, as follows:

1. The claims of the Claimants shall be dismissed in their entirety.
2. Each party shall bear its own costs, including attorneys' fees.
3. Claimants' \$400 arbitration deposit shall be retained by the MSRB as forum fees, pursuant to MSRB rule A-16(2).

Public Arbitrator

Public Arbitrator

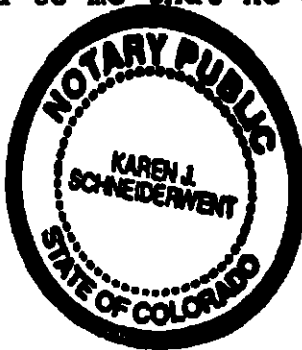
Industry Arbitrator

Dated: 5/26/92

STATE OF COLORADO
COUNTY OF ARAPAHOE

SS.:

On this 8th day of May, 1992, before me personally appeared _____ to me known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

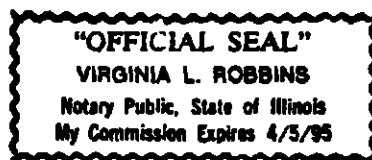


Karen J. Schneiderment

STATE OF Illinois
COUNTY OF Cook

SS.:

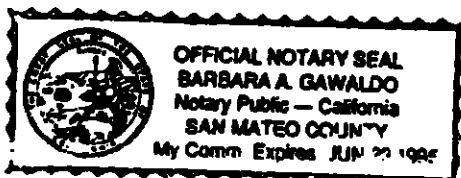
On this 11th day of May, 1992, before me personally appeared _____ to me known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.



[Signature]

STATE OF ~~SAN MATEO~~ ^{SAN MATEO} CALIFORNIA SS.:
COUNTY OF ~~CALIFORNIA~~ ^{SAN MATEO}

On this 26th day of May, 1992, before me personally appeared _____ to me known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

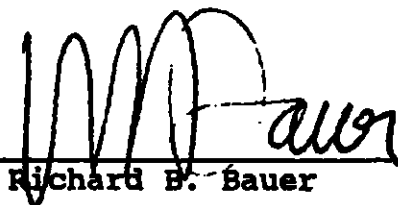


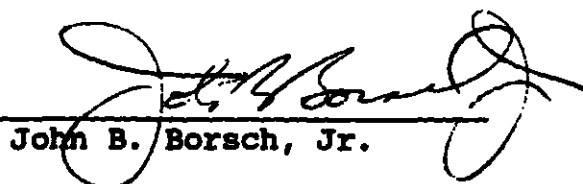
Barbara A. Gawaldo
BARBARA A. GAWALDO

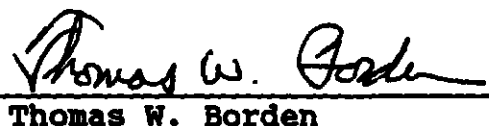
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Richard B. Bauer


John B. Borsch, Jr.


Thomas W. Borden

Dated: 5/26/92