

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between)
CLARENCE E. AND GAIL W. GEIGER,)
Claimants,) Case #88-02737
vs.) Award
DEAN WITTER REYNOLDS, INC. AND)
LEE GILLOCK,)
Respondents,)

Heard before the members of the Arbitration Panel:

Jackson L. Morris, Esq.
Mr. William R. Paul
Ms. Allison Hardage

CASE SUMMARY

This claim was filed with the NASD, Inc. on August 29, 1988. The hearing was conducted in Tampa, Florida on September 20, 1989 with a total of 2 sessions.

Claimants, Clarence E. and Gail Geiger ("the Geigers") alleged that Respondents, Dean Witter Reynolds, Inc. ("Dean Witter") and Lee Gillock ("Gillock") were liable for misrepresentation and for failing to inform them of all the risks associated with the investments that Claimants were placed in. Specifically, Claimants alleged that Gillock's misstatements as to the expected rate of return induced Claimants to purchase Dean Witter's U.S. Government Trust, which investment was not consistent with Claimants' stated investment objectives. Respondents alleged: that Claimants were informed of all the risks because they were given a prospectus; that Respondents made no misstatements and made complete and accurate disclosure of all material facts.

RELIEF REQUESTED

Claimants requested damages in the amount of Fifteen Thousand Nine Hundred Fifty-Eight and 00/100 (\$15,958.00) Dollars. Respondents requested dismissal of the claim, attorney's fees and other costs.

AWARD

On September 20, 1989, the arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants on August 24, 1988, and by Respondents, Dean Witter and Gillock on November 11, 1988. 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 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, Inc.
2. Respondent, Dean Witter, is hereby liable and shall pay to Claimants the amount of Four Thousand Six Hundred and 00/100 (\$4,600.00) Dollars as compensatory damages for their own account.
3. Respondent, Gillock, is not liable and, therefore, all claims against him are hereby dismissed.
4. Respondents, Dean Witter and Gillock are not liable for any claims attributable to the account of Inez A. Wesley.
5. Respondents' request for attorney's fees is hereby dismissed in all respects.
6. Pursuant to Section 43 of the Code of Arbitration Procedure, the arbitrators have assessed forum fees in the amount of Eight Hundred and 00/100 (\$800.00) Dollars (\$400 x 2 sessions). Respondent, Dean Witter, is hereby assessed forum fees in the amount of Eight Hundred and 00/100 (\$800.00) Dollars, Four Hundred and 00/100 (\$400.00) Dollars of which shall be paid to the Claimants as a refund of their Four Hundred and 00/100 (\$400.00) Dollar filing fee and Four Hundred and 00/100 (\$400.00) Dollars of which shall be paid to the NASD, Inc. The NASD, Inc. shall retain the Four Hundred and 00/100 (\$400.00) Dollar filing fee previously deposited by the Claimants as partial satisfaction of such forum fees.
7. The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

OTHER ISSUES

None.

ARBITRATORS CONCURRING

Jackson L. Morris, Esq.
Mr. William R. Paul
Ms. Allison Hardage

Dated: October 26, 1989