

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Michael Perle, Jane Bottone,
Michael Bottone, Marsia Bottone,
Anna Bottone Trust and Michael Bottone, Jr.

Claimants

vs.

John A. Radli

Respondent

CASE # 89-00158
89-00962
89-00968
89-01012

AWARD

CASE SUMMARY

Michael and Jane Bottone allege they gave John A. Radli \$66,008.15 for safe investment and that unsuitable transactions were made. Respondent John A. Radli asserts that the Bottones knowingly entered a margin agreement and discussed and approved their trades. Further they were consulted on and authorized all trades.

Anna Bottone Trust alleges that the principal went from \$39,305.00 in June 1987 to \$20,528.00 in May 1988 because of unsuitable, unauthorized investments. Respondent John A. Radli contends all trades were discussed and authorized by trustee Michael Bottone, Jr. Further, circumstances relating to the market crash, not wrongful acts, caused the account's decline in value.

Michael Bottone, Jr. and Marsia Bottone allege that unsuitable and unauthorized trades and margin trades were made in their account in 1987, causing a loss of \$31,865.00. Respondent John A. Radli contends all trades were authorized, and the account decline resulted from the market crash, not wrongful conduct.

Michael Perle alleges that unauthorized margin purchases of stock were made between July and October 1987. Respondent John A. Radli denies the allegations.

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RELIEF REQUESTED

Michael and Jane Bottone seek the return of their equity reduced to \$3,260.00, plus the reasonable value of their investment had it been invested as requested. Respondent John A. Radli seeks dismissal.

The Anne Bottone Trust seeks \$18,777.00. Respondent John A. Radli seeks dismissal.

Michael Bottone Jr. and Marsia Bottone seek at least \$31,865.00. Respondent John A. Radli seeks dismissal.

Michael Perle seeks return of \$35,000.00 in losses. Respondent John A. Radli seeks dismissal.

AWARD

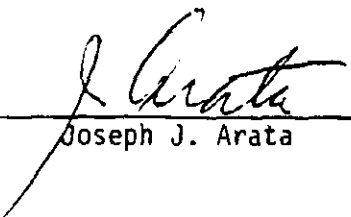
On April 5 and 23, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants Michael and Jane Bottone on January 16, 1989; Anna Bottone Trust on January 19, 1989; Michael and Marsia Bottone on January 19, 1989; and Michael Perle on January 18, 1989, and by Respondent John A. Radli on July 10, 1989. The four matters were tried and heard consecutively by the undersigned panel. The hearing was held at the NASD, Inc. located in New York City, NY and consisted of five (5) hearing sessions. 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 by Michael Perle be and hereby are dismissed.
2. The claims by Michael Bottone, Sr. and Jane Bottone be and hereby are dismissed.
3. As to the claims by the Anne Bottone Trust, John A. Radli be and hereby is liable and shall pay Fourteen Thousand Eight Hundred Fifty Dollars and No Cents (\$14,850.00), plus interest at 9% from July 24, 1987 to the date of this award. As to the claims by Michael Bottone, Jr. and Marsia Bottone, Respondent John A. Radli be and hereby is liable and shall pay to the Claimants Twenty Three Thousand Nine Hundred Dollars and No Cents (\$23,900.00).

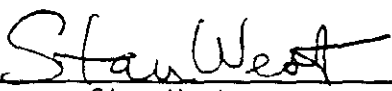
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4. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$2,000.00 filing fee previously deposited by the Claimants and \$1,750.00 against Respondent. Respondent John A. Radli shall reimburse Claimants for \$1,063.00 of fees paid by them. (4)

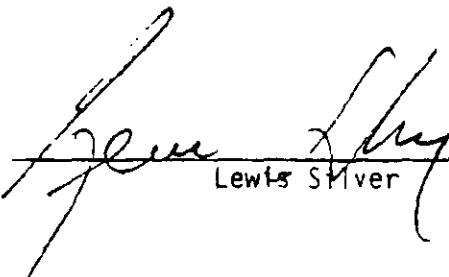
ARBITRATORS CONCURRING



Joseph J. Arata



Stan West



Lewis Silver

DATED: April 26, 1990