

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

IN THE MATTER OF THE ARBITRATION BETWEEN :
: Dorothy Lodge :
: Claimant : Case #89-00184
: vs. : AWARD
: :
: :
: :
: :
Oppenheimer & Co., Inc. and :
Daniel Dolcini :
: Respondents :

CASE SUMMARY

Claimant Dorothy Lodge alleged that Respondents Oppenheimer & Co., Inc. and Daniel Dolcini purchased and sold securities for the Claimant's account that were not suitable for her, engaged in excessive trading, and otherwise mismanaged her account thereby causing her to sustain losses.

Respondent Oppenheimer alleged that the Claimant was a knowledgeable, sophisticated investor who authorized and approved all transactions in her account with full knowledge of the risks involved. Respondent Oppenheimer contended they always acted properly, and reasonably supervised Respondent Dolcini's actions as well as the Claimant's account. Respondent Oppenheimer also asserted a counterclaim for an outstanding debit balance in the Claimant's account.

Respondent Daniel Dolcini also contended that the Claimant was a sophisticated, knowledgeable investor who authorized the speculative investments made on her behalf with full knowledge of the inherent risks. Respondents Dolcini and Oppenheimer contended that the Claimant's losses were the result of adverse market conditions for which the Respondents cannot be held liable.

RELIEF REQUESTED

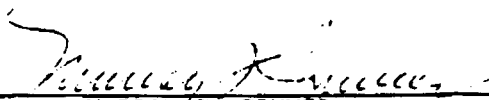
Claimant Dorothy Lodge requested actual damages of \$88,766.87, plus interest and costs. Respondent Oppenheimer requested dismissal of the claim in its entirety, plus, pursuant to its counterclaim, \$12,487.43 in actual damages, plus interest and costs. Respondent Daniel Dolcini requested dismissal of the claim in its entirety, plus costs.

AWARD

On February 6, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant Dorothy Lodge on January 9, 1989, and by Respondent Oppenheimer & Co., Inc. on June 6, 1989 and by Respondent Daniel Dolcini on June 19, 1989. The hearing was conducted at the offices of the National Association of Securities Dealers, Inc. in New York City, New York and consisted of two (2) 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 Respondent Oppenheimer & Co., Inc. be and hereby is liable and shall pay to the Claimant Dorothy Lodge the sum the ~~Thirty Three~~ ^{TWENTY-THREE} Thousand Dollars and No Cents (~~\$33,000.00~~), inclusive of interest. ⁻²⁻
2. The Respondent Daniel Dolcini be and hereby is liable and shall pay to the Claimant Dorothy Lodge the sum of Five Thousand Dollars and No Cents (\$5,000.00), inclusive of interest. ^{see his share of the \$33,000.00 award}
3. The Claimant Dorothy Lodge be and hereby is liable and shall pay to the Respondent Oppenheimer & Co., Inc. the sum of Twelve Thousand Four Hundred Dollars and No Cents (\$12,400.00), inclusive of interest. ^{CSS}
4. The parties each shall bear their respective costs including attorney's fees.
5. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$500.00 filing fee previously deposited by the Claimant, and the Respondent Oppenheimer & Co., Inc. be and hereby is liable and shall pay to the National Association of Securities Dealers, Inc. the sum of Five Hundred Dollars and No Cents (\$500.00), as costs of the two (2) hearing sessions conducted in this matter.

CONCURRING ARBITRATORS


MURRAY I. SOMMER


C. SCOTT BARTLETT


RONALD B. CURRY