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NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between

Wilfred W. Montenyohl

Claimant

vs.

J.C. Bradford & Co.
Gregory J. Macklin

Respondents

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Award

Case# 89-00325

Case Summary

In a claim filed with the National Association of Securities Dealers, Inc. ("NASD") on June 20, 1989, Claimant, Wilfred W. Montenyohl ("Montenyohl") alleged the Respondents entered him into an investment in the Landsing Income Fund which was unsuitable for him. Claimant further alleged the Respondents misrepresented to him that the investment was a sound investment and misrepresented to him the income the investment would produce. The Respondent, J.C. Bradford & Co. ("Bradford") maintained the investment was suitable for Claimant and that Claimant was given a copy of the Landsing Income Fund prospectus. Bradford further maintained Claimant indicated he had no need for liquidity in the investment at issue. Bradford also argued that the performance of the investment had been affected by circumstances completely outside the control of the Respondents. Respondent, Gregory Macklin ("Macklin"), maintained he was informed in a training course that the Landsing Income Fund was a safe income-producing investment, and he trusted the due diligence of Bradford in their recommendations.

Relief Requested

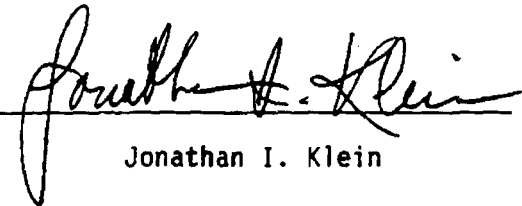
Claimant requested damages of \$19,148.50. Respondent, Bradford requested dismissal of claim and such other and further relief as may be deemed appropriate. Respondent, Macklin, requested dismissal of claim.

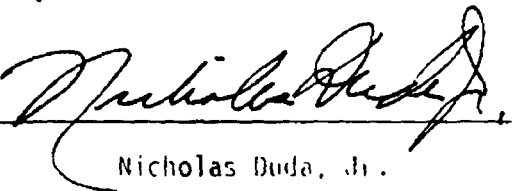
Award

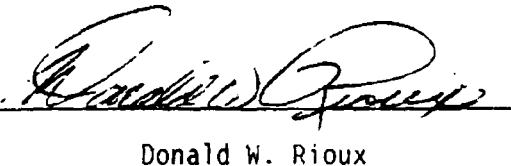
On May 8, 1990 the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant, Montenyohl on June 26, 1989, by Respondent, Bradford on May 2, 1990, and by Respondent, Macklin, on April 9, 1990. The hearing was conducted at the offices of the NASD located in Cleveland, Ohio and consisted of two 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 panel finds in favor of Claimant Montenyohl and against Respondent Macklin in the sum of Two Thousand Dollars and No Cents (\$2,000.00).
2. The panel further finds in favor of Claimant Montenyohl and against Respondent Bradford in the sum of Twenty Thousand Dollars and No Cents (\$20,000.00).
3. The payment of this Award is conditioned upon Claimant Montenyohl's assignment to Respondent Bradford of all his right, title and interest in the shares of Landsing Income Fund which he purchased through Respondent Bradford, together with his prompt execution of any documents required to effectuate said transfer to Respondent Bradford.
4. The parties shall each bear their respective costs, including attorneys' fees.
5. Pursuant to Section 43 of the Code of Arbitration Procedure, the Claimant be and hereby is liable and shall pay to the National Association of Securities Dealers, Inc. the sum of \$400.00 as forum fees and the Respondent Bradford be and hereby is liable and shall pay to the National Association of Securities Dealers, Inc. the sum of \$400.00 as forum fees.

ARBITRATORS CONCURRING


Jonathan I. Klein


Nicholas Duda, Jr.


Donald W. Rioux

June 28th, 1990