

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between)
ALDO REMO,)
Claimant,)
vs.) Case #89-00914
DEAN WITTER REYNOLDS, INC. and) Award
MARTHA DOBRODZIEJ,)
Respondents.)

Heard before the member of the Arbitration Panel:

Arieh Leo Douer

CASE SUMMARY

This claim was filed with the NASD, Inc. on March 27, 1989. The hearing was conducted in Fort Lauderdale, Florida on January 11, 1990 with a total of one (1) session.

Claimant, Aldo Remo ("Remo"), alleged that Respondents, Dean Witter Reynolds, Inc. ("DWR") and Martha Dobrodziej ("Dobrodziej"), made misrepresentations of material facts and omitted to state material facts regarding deductions from the sale price of Government National Mortgage Association Pool Securities, which substantially affected the net proceeds of the sale; that DWR failed to adequately supervise Dobrodziej; that Claimant would not have sold the securities had he known the correct facts; and that Respondents' conduct violated Section 10(b) of the Exchange Act; Rule 10b-5; Rules 401, 405 and 435 of the NYSE; Article III, Sections 1, 2, 18 and 27 of the NASD Rules; Chapter 517, Florida Statutes; and, constituted fraud, negligence and willful, deliberate and reckless breaches of duty.

Respondents denied all allegations of wrongdoing; alleged that Claimant was fully and correctly informed of the sale price and the bid on the current value of the principal amount of his securities.

RELIEF REQUESTED

Claimant requested damages in the amount of \$5,447.39, interest at the legal rate and pre-commencement attorney's fees.

Respondents requested dismissal of the Claim, attorney's fees pursuant to Section 517.211(6) and 57.105, Florida Statutes.

AWARD


On January 11, 1990, the arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on March 23, 1989, and by Respondents Dobrodziej on May 19, 1989, and DWR on May 24, 1989. The arbitrator, 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. Respondents, DWR and Dobrodziej, shall not be liable to Claimant and, therefore, all claims against them are hereby dismissed.
3. The parties' requests for attorney's fees are hereby denied.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, Respondent, DWR, is hereby assessed forum fees in the amount of Two Hundred and 00/100 (\$200.00) Dollars payable to the National Association of Securities Dealers, Inc. The NASD, Inc. shall refund the Two Hundred and 00/100 (\$200.00) Dollar filing fee previously deposited by the Claimant.
5. The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

OTHER ISSUES

None.

ARBITRATOR CONCURRING


Arish Leo Douer

Received this 16th day of January 1990.