

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between)	
Carleen A. Myers)	AWARD
Claimant)	
vs.)	CASE #89-01037
Christopher Weil & Company, Inc.,)	
George Forrester and)	
Bryan Shobe)	Respondents

SUMMARY OF ISSUES

Claimant alleged Respondents breached their fiduciary duty to her, defrauded her by investing her funds in unsuitable index options, engaged in unauthorized transactions, and misrepresented to Claimant the true status of her account.

Respondent Shobe denied all allegations, and asserted that Claimant indicated to him a high risk tolerance and a desire to be actively involved in various types of investments.

DAMAGES AND RELIEF REQUESTED

Claimant requested damages, as amended at the hearing, of \$17,697.00 plus pre-judgment interest, punitive damages, costs of arbitration and attorney's fees.

Respondent Shobe requested dismissal of all claims.

DAMAGES AND RELIEF AWARDED

This claim was filed with the National Association of Securities Dealers, Inc. (NASD) on April 5, 1989. On June 21, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on March 16, 1989 and by Respondent Shobe on July 28, 1989. The hearing was conducted in Los Angeles, California and lasted three sessions. The arbitration panel, having considered the pleadings, the testimony, the evidence presented at the hearing, and the post-hearing submission of documentation, has determined in full and final resolution of the issues submitted as follows:

1. Respondent Shobe is liable for and shall pay to Claimant the sum of \$14,250.00 only.
2. The claim for punitive damages is dismissed.
3. The parties shall each bear their respective costs including attorney's fees.
4. In accordance with Section 43 of the National Association of Securities Dealers, Inc. (NASD) Code of Arbitration Procedure: the NASD shall retain the \$400.00 filing fee previously deposited by the Claimant. The NASD will refund the \$100.00 postponement fee previously deposited by Respondent Shobe's attorney.

OTHER ISSUES

Claimant settled her claims against Christopher Weil & Company, Inc. and George Forrester prior to the hearing, where upon they were removed as Respondents in this matter. The arbitrators acknowledge that this award does not pertain to them.

ARBITRATORS CONCURRING

BATE SERVED: 09/07/90

Thomas M. Adams


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DATE SERVED: 09/07/90



John P. McShane