

**NATIONAL ASSOCIATION OF SECURITIES DEALERS**

**AUG 13 1990**

**In the Matter of the Arbitration Between**

**Joseph and Diann Franchina**

**Claimant(s)**

**vs.**

**Blinder, Robinson & Co., Inc.  
and John Sholtis, Jr.**

**Respondent(s)**

**NOTICE OF  
ARBITRATION  
AWARD  
89-02260**

**CASE SUMMARY**

Claimant(s) Joseph and Diann Franchina alleged that Respondent(s) Blinder, Robinson & Co., Inc. and John Sholtis, Jr. made misrepresentations to induce the sale of securities owned by Claimants in order to purchase certain securities recommended by Respondents. Respondent Blinder, Robinson & Co., Inc. maintains that Claimants were experienced investors and were not justified in relying on alleged statements of opinion concerning a future effect or event by their broker as factual information when they sold one security to purchase another. Respondent John Sholtis, Jr. denied the allegations of the Claimants and maintains that all information and recommendations provided to Claimants were based on research performed by Blinder, Robinson & Co., Inc.

**RELIEF REQUESTED**

Claimant(s) Joseph and Diann Franchina requested damages of Two Thousand Five Hundred Dollars and No Cents (\$2,500.00). Respondent(s) requested dismissal of claim and costs and Respondent John Sholtis, Jr. entered a cross-claim against Blinder, Robinson & Co., Inc. for any liability arising out of this proceeding.

**AWARD**

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Robert L. Agosto, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on August 8, 1989 and by Respondent(s) on December 29, 1989 and January 18, 1990, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondent(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

Notice of Arbitration Award  
Case No. 89-02260  
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That the Respondent Blinder, Robinson & Co., Inc. and Respondent John Sholtis, Jr. are separately liable and shall pay to the Claimant the sum of Five Hundred Dollars and No Cents (\$500.00) and Forty Dollars and No Cents (\$40.00), respectively, and;

The cross-claim of Respondent John Sholtis, Jr. against Blinder, Robinson & Co., Inc. is granted in the amount of Forty Dollars and No Cents (\$40.00).

The parties shall each bear their respective costs including attorney's fees.

The \$25.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) is assessed against Blinder, Robinson & Co., Inc. and shall be refunded to the Claimant by Blinder, Robinson & Co., Inc.

July 24, 1990

Robert L. Agosto

Affirmation

STATE OF ILLINOIS

} SS:  
}

COUNTY OF COOK

I, Robert L. Agosto, do hereby affirm upon my oath as arbitrator that I am the individual described in and who executed this instrument, which is my oath and award.

August 7, 1990  
(DATE)

Robert L. Agosto  
(SIGNATURE OF ARBITRATOR)