

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

ANNA MARIA LUKASZEWSKI TRUST,
WITOLD LUKASZEWSKI TRUSTEE
Claimants

and

CALVERT SECURITIES CORP. AND
KENNETH J. CRYAN
Respondents

CASE NO. 89-02301

CASE SUMMARY

In a claim filed with the NASD on August 15, 1989, Claimants Witold J. Lukaszewski and Anna Maria Lukaszewski Co-Trustees of the Anna Maria Lukaszewski Educational Trust ("Claimants") alleged that Respondent Kenneth J. Cryan (Respondent "Cryan") who was employed by Respondent Calvert Securities Corporation (Respondent "Calvert") made material misrepresentation regarding the safety of principal in his investment in American Capital Government Securities Fund. Claimants further alleged that Respondent Cryan also failed to submit the proper forms to American Capital to effectuate a transfer to Claimants investment from one fund to another.

In their joint Statement of Answer filed with the NASD on September 15, 1989, Respondents Calvert and Cryan deny that material misrepresentations were made to Claimants. Respondents further stated that Respondent Cryan fully advised Claimant of the risks and benefits of his investment and that the recommended investment was consisted with Claimants stated investment objectives.

RELIEF REQUESTED

Claimant requested an award in the amount of \$8,399.38. Respondents requested that the Statement of Claim be dismissed.

AWARD

On Friday, February 16, 1990 in Houston, Texas, during a hearing lasting (1) session, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed on August 2, 1989 by Claimant Witold J. Lukaszewski, on October 2, 1989 by Steven E. Bullock on behalf of Respondent Calvert Securities Corporation. Respondent Kenneth J. Cryan did not submit a Uniform Submission Agreement and did not sign the Statement of Answer submitted on his behalf. However, Respondent Kenneth J. Cryan was required to submit to arbitration pursuant to Section 12 of the NASD Code and having appeared at the hearing and testified, is bound by the Panel's final determination on all issues submitted.

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. The Statement of Claim shall be and hereby is dismissed and denied in its entirety;
2. The parties shall each bear their own respective costs, expenses and attorneys fees incurred in this matter not specifically enumerated herein; and
3. Pursuant to Section 43(b) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain as forum fees, the \$200.00 filing fee previously deposited with the NASD by the Claimant.

Presiding Arbitrator

Dated: _____ /S/ Robert E. Morse, Jr. Esq.

Date Served: 2-21-90