

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

: In the Matter of the Arbitration Between	:	
:	:	
: Robert Hoberman	:	
: Phyllis Hoberman	:	
:	:	
: Claimants	:	CASE #89-02367
: vs.	:	AWARD
:	:	
: Shearson/American Express	:	
: Eugene Weiss	:	
:	:	
: Respondents	:	
:	:	
:	:	
:	:	

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 22, 1989 Claimants Robert and Phyllis Hoberman alleged the Respondents Shearson/American Express and Eugene Weiss misrepresented to them that their investments in various real estate limited partnerships known as a Baicor were safe and risk free and further alleged the investments were not suitable for the Claimants given their investment objectives and the instructions they gave to Respondent Eugene Weiss. Respondents Shearson/American Express and Eugene Weiss maintained that the investments were suitable and appropriate for Claimants based upon information furnished to Eugene Weiss by the Claimants and based upon the fact that the complete nature of the investments, their attendant risks and economic aspects were independently disclosed to Claimant Robert Hoberman during conversations and in the prospectus furnished to him.

RELIEF REQUESTED

Claimants requested damages of \$74,750.00. Respondents requested dismissal of claim with prejudice and that any costs associated with the hearing be assessed against the Claimants.

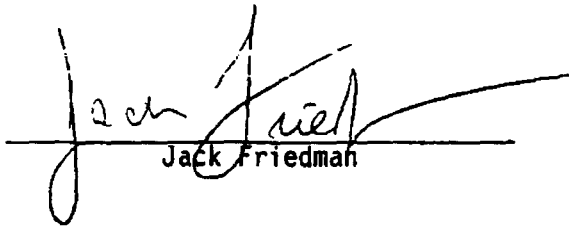
AWARD

On June 19, 1990 the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants Robert and Phyllis Hoberman on August 16, 1989 and by Respondent Shearson/American Express on November 7, 1989 and by Respondent Eugene Weiss on November 6, 1989. The hearing was held at the offices of the National Association of Securities Dealers, Inc. located in New York, NY and consisted of two (2) 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 Respondents Shearson/American Express and Eugene Weiss be and hereby are liable jointly and severally and shall pay to the Claimants Robert Hoberman and Phyllis Hoberman the sum of Thirty Two Thousand Five Hundred Dollars and No Cents (\$32,500.00), inclusive of interest.
2. The parties shall each bear their respective costs, including attorney's fees.
3. Pursuant to Section 43 of the Code of Arbitration Procedures, the National Association of Securities Dealers, Inc. shall retain the \$500.00 filing fee previously deposited by the Claimants. In addition, the Respondent Shearson/American Express shall pay to the Claimants the sum of \$500.00 to offset the filing fee paid by the Claimants and the Respondent Shearson/American Express shall pay to the National Association of Securities Dealers, Inc. the sum of \$500.00 to represent forum fees.

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CONCURRING ARBITRATORS



Jack Friedman

DATED: JUNE 19 , 1990

STATE OF

NY

S.S.:

COUNTY OF

NY

On this 19th day of June, 1990, before me personally appeared ROGER J. HAWKE to me known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he/she executed the same

Jill A. Will

JILL A. WILL
NOTARY PUBLIC, State of New York
No. 487851
Qualified in Nassau County
Commission Expires Dec. 15, 1990

STATE OF

NY

COUNTY OF

NY

On this 19th day of June, 1990, before me personally appeared ROBERT MILANA to me known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he/she executed the same

Jill A. Will

JILL A. WILL
NOTARY PUBLIC, State of New York
No. 487851
Qualified in Nassau County
Commission Expires Dec. 15, 1990
S.S.:

STATE OF

NY

COUNTY OF

NY

On this 19th day of June, 1990, before me personally appeared JACK FREIDMAN to me known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he/she executed the same

Jill A. Will

JILL A. WILL
NOTARY PUBLIC, State of New York
No. 487851
Qualified in Nassau County
Commission Expires Dec. 15, 1990