

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between)	
Rolf Olson)	
Rolf Olson Defined Contribution)	
Pension & Profit Sharing Plan)	
Claimant)	
vs.)	AWARD
Dain Bosworth, Inc.)	NASD NO. 89-02408
Respondent)	

SUMMARY OF ISSUES

This case was filed with the National Association of Securities Dealers, Inc. ("NASD") on August 28, 1989. Claimant alleged lack of suitability, failure to exercise due diligence, unauthorized transactions with respect to the purchase of IMT, Inc.

Respondents denied all of claimant's substantive allegations and alleged the following affirmative defenses: 1) laches, 2) waiver, 3) estoppel, 4) ratification, 5) assumption of risk, 6) contributory/comparative negligence, 7) failure to exercise due diligence, 8) failure to mitigate damages, 9) failure to state a claim upon which relief may be granted, 10) any damages are the proximate result of other persons, 11) respondent could not have known of existence of facts by reason of which liability is alleged to exist 12) claimant did not rely on any acts or omissions of respondent, and 13) respondent acted in good faith.

DAMAGES AND RELIEF REQUESTED

Claimant requested compensatory damages of \$30,093.00 plus interest.

DAMAGES AND RELIEF AWARDED

On July 17, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on August 18, 1990 and by

Respondent on December 5, 1989. The hearing was conducted in Portland, Oregon and lasted two 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. Respondent is liable for and shall pay to claimant the sum of \$5,050.00 in compensatory damages.

2. Respondent is liable for and shall pay to claimant interest at the legal rate in the State of Oregon, nine (9) percent, from July 17, 1990 to the date paid.

3. The parties shall each bear their respective costs including attorneys' fees.

4. In accordance with Section 43 of the NASD Code of Arbitration Procedure, the NASD shall retain the \$400.00 filing fee previously deposited by the Claimant as an assessment of forum fees by the arbitrators.

ARBITRATORS CONCURRING

DATE SERVED: 08/31/90

O. Meredith Wilson, Jr.
O. Meredith Wilson, Jr., Esq.

Theodore K. Canfield

Paul K. Wichman