

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

V. Reo Campian

89-02482

Name of Respondent(s)

James Fleming

REPRESENTATION

For Claimant: Sanford S. Kantor, Esq. of Kantor, Bernstein, & Kantor in New York City.

Respondent James Fleming appeared pro se.

CASE INFORMATION

Statement of Claim filed: September 6, 1989.

Claimant's Submission Agreement signed on: August 28, 1989.

Statement of Answer filed by Respondent James Fleming on: November 29, 1989.

Submission Agreement of Respondent James Fleming signed on: June 5, 1990.

HEARING INFORMATION

Hearing Dates/Sessions: April 23, 1992/two sessions
April 24, 1992/two sessions

Hearing Location: Detroit, Michigan

CASE SUMMARY

Claimant V. Reo Campian alleged that Respondent James Fleming engaged in a pattern of unscrupulous conduct wherein he placed the Claimant in highly risky options transactions of such securities as Polaroid, Disney, and Colgate so that Claimant's portfolio was placed at inordinate risk. Claimant also alleged that Respondent failed to monitor the activity in the Claimant's account, that Respondent churned his account, and that Respondent failed to advise him of the risks inherent in the trading activity that he placed him

in or of the strategies which would protect him against unreasonable losses. Respondent James Fleming maintained that the Claimant, by executing an Options Agreement, was aware of the high degree of risk involved in options trading, that his investment objectives included "speculation - purchasing options," and that Claimant failed to complain about any transactions during the more than three years of trading options and receiving confirmation notices and monthly statements.

RELIEF REQUESTED

Claimant requested actual damages of \$159,949.32, punitive damages of \$479,847.96, and attorneys' fees of \$159,949.32. Respondent requested that the claims of the Claimant be dismissed.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the NASD.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing and post hearing submissions (if any), the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

- (1) The claims of the Claimant V. Reo Campian against Respondent James Fleming be and hereby are dismissed in their entirety.
- (2) The Claimant's claim for punitive damages is denied.

OTHER COSTS

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

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed:

- (1) The NASD, Inc. shall retain the \$1,000.00 hearing session deposit previously deposited by the Claimant.

Concurring Arbitrators' Signatures

H. Rollin Allen, Esq. (chairperson)

Public Arbitrator

H. Daniel Grady

Public Arbitrator

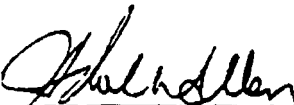
Michael P. Chabley, Esq.

Industry Arbitrator

Dated: July 20, 1992

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Concurring Arbitrators' Signatures



H. Rollin Allen, Esq. (chairperson)

Public Arbitrator

E. Daniel Grady

Public Arbitrator

Michael P. Coakley, Esq.

Industry Arbitrator

Dated: July 20, 1992

Concurring Arbitrators' Signatures

H. Rollin Allen, Esq. (chairperson)

Public Arbitrator


E. Daniel Grady

Public Arbitrator

Michael P. Coakley, Esq.

Industry Arbitrator

Executed on:

Dated: 7-12-92

Date of Decision: July 20, 1992