

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Chiaromonte Family Trust

89-02693

Name of Respondent(s)Prudential-Bache Securities Inc.
Wayne McIntoshNational Association of
Securities Dealers, Inc.
Suite 1680
Three First National Plaza
Chicago, IL 60602
(312) 899-4440CASE SUMMARY

In a Statement of Claim filed with the NASD on or about September 27, 1989, Claimant Joseph Chiaromonte ("Chiaromonte") alleged that Respondents Wayne McIntosh ("McIntosh") and Prudential-Bache Securities, Inc. ("Prudential-Bache") misrepresented the risk involved in investing in limited partnerships. Chiaromonte alleged that McIntosh represented that Chiaromonte would receive a 12% tax free return on his investment, paid quarterly and that the original \$48,000 investment was guaranteed by the general partner. Chiaromonte further alleged that McIntosh made an unauthorized withdrawal of \$4000 from Chiaromonte's IRA account and invested this money in a nonguaranteed limited partnership.

In a joint Statement of Answer filed on or about December 16, 1989, Prudential-Bache and McIntosh denied that any misrepresentations were made to Chiaromonte concerning either the safety of the investment principal or the percentage of return on his investment. McIntosh alleged that he reviewed the investment risks with Chiaromonte and provided him with documents detailing the proposed investment. McIntosh and Prudential-Bache also denied the unauthorized trade allegation and stated that each transaction was authorized by Claimant.

RELIEF REQUESTED

Chiaromonte requested rescission of the investments plus interest at 10%. Pru-Bache and McIntosh requested dismissal of the Claim.

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PROCEDURAL MATTERS

On January 29, 1991 in Scottsdale, Arizona during a hearing lasting a total of two(2) sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on November 15, 1989 by Claimant Joseph Chiamonte, on December 21, 1989 by Kenneth E. Meister on behalf of Respondent Prudential-Bache and on January 29, 1991 by Respondent Wayne McIntosh.

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 original(s) remain on file with the NASD.

AWARD

1. Chiamonte's claims asserted against Prudential-Bache and McIntosh are hereby denied and dismissed in their entirety;
2. The parties shall each bear their respective costs, expenses and attorney's fees; and
3. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the hearing session deposit in the amount of \$400.00 previously deposited with the NASD by the Claimant and Prudential-Bache is assessed \$400.00 as an additional forum fees.

Concurring Arbitrator(s) Signature

Dated: 3/4/91

/s/ 
Warren C. Kotzmann, Esq.
Presiding Chairman

Dated: _____

/s/ _____
Steven Chanen, Esq.

Dated: _____

/s/ _____
John Hansgen, Esq.

Decision: _____

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Presiding Chairman

Dated: _____

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Steven Chanan, Esq.

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John Hansgen, Esq.

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Concurring Arbitrator(s) Signature

Dated: _____

/S/

Warren C. Kotzmann, Esq.
Presiding Chairman

Dated: March 7, 1991

/S/


Steven Chanen, Esq.

Dated: _____

/S/

John Hansgen, Esq.

Decision: _____