

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between)	
<u>Name of Claimant</u>)	
Vincent B. Greenwood)	
)	
<u>Name of Respondent(s)</u>)	
Steve Thomas)	
Paul Powers)	
)	

89-03019
Award

CASE SUMMARY

Claimant, Vincent B. Greenwood (hereinafter "Claimant") alleged that Respondent, Steve Thomas (hereinafter "Respondent") failed to place him in a bond fund that complied with claimant's stated investment criteria. Claimant alleged that Respondent misrepresented the safety of the investment and failed to disclose that there was a four percent commission charged by the fund.

Respondent, Thomas maintained that he recommended that the Claimant invest in the Franklin High Yield Fund because he felt it met the Claimant's investment needs. Respondent, Thomas maintained that he sent the Claimant a prospectus and that after the Claimant reviewed the prospectus Claimant decided to invest in the fund. Respondent, Thomas maintained that Respondent, Thomas informed the Claimant about the commission fee charged on this investment and that he made no misrepresentations.

RELIEF REQUESTED

Claimant, requested damages in the amount of \$2,000.00 plus interest at a rate of ten percent per annum from mid-June 1989 to the present.

Respondents requested that Claimant's claim be dismissed in its entirety, and that Respondents be awarded their costs, including attorney's fees.

AWARD

On Friday August 3, 1990, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant, on October 2, 1989. The Respondents did not execute

a submission agreement; however, they did submit an answer and were represented at the hearing. Pursuant to Section 12(a) of the Code of Arbitration Procedure, the presiding arbitrator exercised his jurisdiction over the Respondents. The hearing was held in Washington, D.C. and consisted of 1 session. 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. That the Claimant's claim is denied in its entirety.
2. The parties shall each bear their respective costs, including attorneys' fees.
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$25.00 filing fee previously deposited by the Claimant as cost of the single session arbitration forum fee assessment.

ARBITRATOR SIGNATURE

/s/

William H. Malloy, Jr.

Dated: 9/17/90