

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between)	
)	
Samuel G. Young)	
Ruth F. Young)	
)	
Claimants)	
)	AWARD
vs.)	
)	NASD #89-03104
Shearson Lehman Hutton, Inc.)	
Alex Dow)	
)	
Respondents)	
)	

SUMMARY OF ISSUES

Claimants alleged Respondents misrepresented the nature of their investment in a mutual fund, Colonial Government Securities, and failed to disclose that this investment was not an IRA. Claimants also alleged Respondents breached their fiduciary duty to Claimants by failing to invest their retirement funds in an IRA as requested.

Respondents denied Claimants' allegations, and asserted that Claimants were fully informed regarding all investments and authorized all investments.

DAMAGES AND RELIEF REQUESTED

Claimants requested damages of \$27,000.00, attorney's fees and costs of arbitration.

Respondents requested dismissal of all claims.

DAMAGES AND RELIEF AWARDED

This claim was filed with the NASD on November 6, 1989. On January 31, 1991, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants on October 26, 1989, by an authorized representative of Shearson Lehman on December 19, 1989, and by Alex Dow on February 6, 1990. The hearing was conducted in Los Angeles, California and lasted two (2) 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 as follows:

1. All claims asserted against Alex Dow are dismissed.

2. Respondent Shearson Lehman Hutton, Inc. is liable for and shall pay to Claimants the sum of \$17, 190.00 only.
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.

OTHER ISSUES

None.

DATE SERVED: 2/26/91


Lambert M. Javelera