

N.A.S.D. AWARD _

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Gracio & Neda Fabris

89-03317

Name of Respondent(s)

Baraban Securities, Inc.
Hassan Hashimian

SUMMARY OF ISSUES

This case was filed with the National Association of Securities Dealers, Inc. ("NASD") on December 13, 1989.

Claimants Gracio Fabris and Neda Fabris allege that Respondents Baraban Securities Inc. and Hassan Hashamian made unsuitable investments in their brokerage account, failed to execute customer orders and failed to disclose material facts relating to certain index option transactions.

Respondents allege that all trades made in Claimants' account were suitable for the strategy they endorsed given their investment objectives. They were also capable of understanding the risks of their investment strategy and authorized each transaction.

DAMAGES AND RELIEF REQUESTED

Claimants seek to recover \$19,500.00 in actual damages plus interest thereon, costs, attorneys fees, and punitive damages.

Respondents seek dismissal of the claim in its entirety, plus costs and attorneys' fees.

DAMAGES AND RELIEF AWARDED

On November 7, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants Gracio Fabris and Neda Fabris on October 17, 1989, and by Respondent Baraban Securities, Inc. on January 31, 1990. Respondent Hassan Hashamian stipulated to the jurisdiction of the panel at the opening of the hearing.

The hearing was conducted in Los Angeles, California, and lasted 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 for determination as follows:

1. Respondents Baraban Securities Inc. and Hassan Hashamian are jointly and severally liable and shall pay to Claimants Gracio Fabris and Neda Fabris the sum of nineteen thousand, five hundred dollars and no cents (\$19,500.00) together with interest thereon at the rate of 10 percent per annum from November 10, 1987 until paid in full.
2. The parties shall each bear their respective costs including attorneys' fees.
3. In accordance with Section 43 of the NASD Code of Arbitration Procedure, the NASD shall retain the \$500.00 filing fee previously deposited by the Claimant as an assessment of forum fees by the arbitrators. In addition, Respondents are also assessed \$500.00 in forum fees, to be paid directly to the National Association of Securities Dealers.

Arbitrator(s) Signature


Herman R. Friedberg, Esq.

Dated: Dec. 3, 1990