

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between )

Jack M. Wartels )

Claimant )

vs. )

Sutro & Co., Inc. )

Irwin Olian )

Respondent )

AWARD

NASD #90-00526

SUMMARY OF ISSUES

Claimant alleged misrepresentation, fraud, and breach of fiduciary duty by Respondents arising out of the sale in July 1989 of the common stock of Medco Research. Claimant also alleged improper actions with regard to taking the order to sell by an unlicensed employee of Sutro & Co.

Respondents denied all allegations, and asserted that, as a matter of law, there was no liability to Claimant because the transaction in question resulted in a profit for Claimant.

DAMAGES AND RELIEF REQUESTED

Claimant requested damages of \$9,309.00, plus interest at 10% per annum, punitive damages, 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 February 20, 1990. Pre-hearing telephone conferences were held on January 11 and 14, 1991, each lasting 1 session. On February 19, 1991, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on February 15, 1990, by an authorized representative of Sutro & Co. on June 29, 1990, and by Irwin Olian on June 29, 1990. The hearing was conducted in Los Angeles, California and lasted two (2) sessions. The arbitrator, 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:

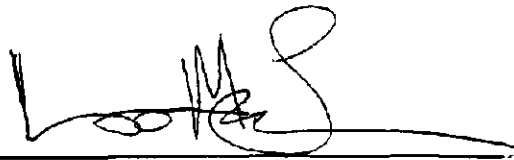
1. All claims asserted by Claimant are dismissed.

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 \$400.00 filing fee previously deposited by the Claimant as an assessment of forum fees. Claimant is assessed additional forum fees of \$1,200.00, payable to the NASD.

OTHER ISSUES

None.

DATE SERVED: 03/13/91

  
Lambert M. Javelera