

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Clement H. Vander Zanden and
Violet Vander Zanden

90-00646

Name of Respondent(s)

Robert W. Baird & Co. Inc.
and Dean V. High

CASE SUMMARY

In a Statement of Claim filed with the NASD on March 5, 1990, Claimant Clement H. Vander Zanden and Violet A. Vander Zanden alleged that Respondents sold them unsuitable investments based on their age and health conditions and, furthermore, Respondents misrepresented the security of the investment. Specifically, Claimants invested in the Franklin U.S. Government Securities Fund and the Criterion U.S. Government High Yield Fund. Claimants alleged that Respondent High represented that their principal invested would remain secure and was as safe as a Certificate of Deposit and that "there is no way you can lose." In addition, Claimants alleged they received no brochure or prospectus for the Criterion Fund and that Respondent High did not explain the fees for the services.

In a Statement of Answer filed with the NASD on April 16, 1990, Respondents Robert W. Baird & Co. Incorporated and Dean V. High denied the allegations of wrong doing, stating that Claimants' were aware that the value of the shares were subject to fluctuation and that they could have sold to avoid any further losses; Claimants were provided with brochures and prospectus' for both funds; Claimants desired high yield over safety of principal; and that Respondent High discussed the price changes and commissions with Claimant Clement Vander Zanden.

RELIEF REQUESTED

Claimants Clement H. Vander Zanden and Violet A. Zander Zanden requested entry of an award against Respondents Robert W. Baird & Co. and Dean V. High in the amount of \$8,721.62 for the amount lost in the investments and for \$1,278.38 in punitive damages for further damage to Claimants' health.

Respondents Robert W. Baird & Co. and Dean V. High requested that Claimant's Statement of Claim be denied on the merits and with prejudice.

AWARD

On October 10, 1990, in Milwaukee, Wisconsin during a hearing lasting two sessions, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed on February 28, 1990 by Claimants Clement H. Vander Zanden and Violet A. Vander Zanden, on March 15, 1990 by Glen F. Hackmann on behalf of Respondent Robert W. Baird & Co., Incorporated and on March 14, 1990 by Respondent Dean V. High.

The arbitrator, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. The Statement of Claim is hereby dismissed and denied in its entirety;
2. Parties shall each bear their own costs including attorneys fees, except for those specifically enumerated herein;
3. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain as forum fees, the \$200.00 filing fee previously deposited with the NASD by the Claimants Clement H. Vander Zanden and Violet A. Vander Zanden. Respondent Robert W. Baird & Co., Incorporated is liable for and shall additional forum fees to the NASD in the amount of \$200.00.

Arbitrator(s) Signature

Dated: 12/20/90

/S/


Herbert Neuer, Esq.
Presiding Chair