

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between \*

Rachel Ray Raymond \*

Claimant \*

vs. \* Case #90-00900

W. D. R. Equity Resource, Inc. \* Award

and \*

Robert A. Sussman \*

Respondent \*

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CASE SUMMARY

Claimant, Rachel Ray Raymond ("Claimant") alleged that Respondents W.D.R. Equity Resources, Inc. and Robert A. Sussman ("Respondents") made material omissions and made material misrepresentations in order to induce Claimant to invest in Valley Hill as an Equity Lender. Claimant alleged that this investment was unsuitable and that Respondents failed to explain the risks associated with this investment and that Respondents failed to provide her with a prospectus of her investment. Claimant further alleged that Respondent Sussman failed to recommend suitable investments and failed to fully investigate the Claimant's financial situation.

Respondents maintained that the Valley Hills investment was suitable for the Claimant. Respondents maintained that all investment for the Claimant were made after a diligent investigation of the investment and with the Claimant's best interest in mind. Respondents maintained that the risks of the investment were explained and that Claimant was provided all disclosure information.

RELIEF REQUESTED

Claimant requested damages of \$10,000.00 plus interest.

Respondents requested that Claimant's claim be dismissed in its entirety and that Respondents be awarded attorneys' fees and costs incurred in connection with this proceeding.

**AWARD**

On October 25, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant, on March 26, 1990 and by the Respondents on May 10, 1990. The hearing was held in New York City and consisted of 2 sessions. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearings, has determined in full and final resolution of the issues submitted for determination as follows:

1. That Claimant shall return the Valley Hill Associates Certificate of Participation Number One to the Respondents.
2. That Respondents are jointly and severally liable to the Claimant and shall pay to the Claimant the sum of \$10,000.00; no interest is awarded on this amount.
3. The parties shall each bear their respective costs, including attorneys' fee;
4. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$200.00 filing fee previously deposited by the Claimant as her portion of the forum fees.
5. Respondents are assessed forum fees in the amount of \$200.00 payable to NASD, Inc. through its staff counsel in accordance with Section 43 of the Code of Arbitration Procedure.

**ARBITRATORS CONCURRING**

/s/  
William A. DeLorenzo

/s/  
Frank M. Suttell

/s/  
Andrea Herron

5. Respondent/<sup>5</sup>Claimant <sup>are</sup> is assessed forum fees in the amount of \$ 200.00 payable to the NASD, Inc. through its staff counsel ~~administrator~~ in accordance with Section 43 of the Code of Arbitration Procedure.

**ARBITRATORS CONCURRING**

Will A. H. Lutz  
Frank M. Syrett  
James Person

ARBITRATORS DISSENTING  
(if any)