

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Kenneth & Lois MacKichan

90-02000

Name of Respondents

Shearson Lehman Hutton, Inc.  
W. Rondini

REPRESENTATION

Kenneth A. and Lois D. MacKichan appeared pro se.

Shearson Lehman Hutton, Inc. and Wilson Rondini were represented by Robert Kuker, Esq. of Neal Gerber & Eisenberg, Chicago, Illinois.

CASE SUMMARY

In a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on or about July 19, 1990, Kenneth A. and Lois D. MacKichan ("Claimants") alleged that Wilson Rondini ("Rondini"), a registered representative employed by Shearson Lehman Hutton, Inc. a/k/a Shearson Lehman Brothers, Inc. (collectively as "Respondents") made unauthorized transactions in their account. Claimants specifically alleged that Rondini sold without authorization 1,000 shares of Eastman Kodak and purchased 2,500 shares of Unisys Corp.

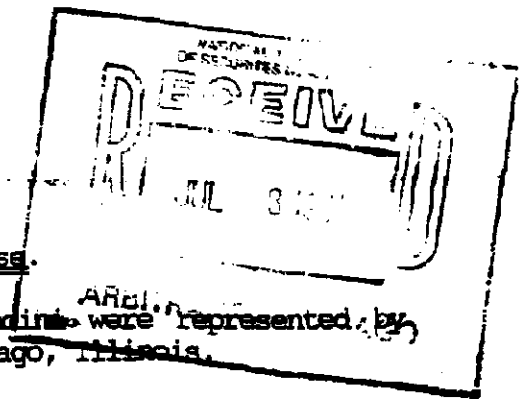
Claimants submitted a clarification of the Statement of Claim on or about June 5, 1991 wherein they revised their damage calculations.

In their Answer filed with the NASD on or about May 28, 1991, Respondents stated that all transactions in Claimants account were authorized, that this claim was submitted to recover for losses resulting from unforeseeable market fluctuations and that Respondents acted in a professional and ethical manner and in accord with all exchange and governmental regulations.

RELIEF REQUESTED

Claimants requested an award in the amount of \$7,289.14.

Respondents requested that the Statement of Claim be dismissed in its entirety and that Respondents be award their costs, including attorneys fees.



### OTHER ISSUES

Respondent Wilson Rondini, witnesses Roger Bach and Doris Geck testified via telephone in this proceeding.

### PROCEDURAL MATTERS

On Tuesday, June 18, 1991 in Omaha, Nebraska, during a hearing lasting two (2) sessions, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed on July 16, 1990 by Claimants Kenneth A. and Lois D. MacKichan, on October 26, 1990 by William A. Hohauser on behalf of Respondent Shearson Lehman Hutton, Inc.

Respondent Wilson Rondini did not file with the NASD a properly executed submission to arbitration but is required to submit to arbitration pursuant to Section 12 of the NASD Code of Arbitration Procedure and having answered the claim, appeared and testified telephonically at the hearing is bound by the determination of the arbitrator on all issues submitted.

The parties have agreed that a handwritten, signed Award be entered. The parties have agreed to receive a typed conformed copy of the Award while the original remains on file with the NASD.

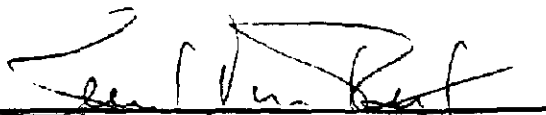
### AWARD

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 shall be and hereby is dismissed in its entirety;
2. Each party shall bear its own costs, expenses and attorneys fees incurred in this matter; and
3. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall refund the hearing session deposit in the amount of \$300.00 previously deposited with the NASD by the Claimants Kenneth and Lois MacKichan. Respondent Shearson Lehman Brothers, Inc. shall pay to the NASD the sum of \$600.00 as forum fees.

Dated:

July 1, 1991

  
Samuel Van Pelt, Esq.  
Presiding Chair  
Public Arbitrator