

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Helen M. Halvorsen

90-02067

Name of Respondent(s)

Dean Witter Reynolds, Inc.

David Hume

Heard before:

Name

Public/Industry

Robert D. Rankin, Esq. \_\_\_\_\_

Public \_\_\_\_\_

CASE SUMMARY

This matter was initiated by a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on August 3, 1990.

Claimant, Helen M. Halvorsen, (Halvorsen) alleges that Respondent David Hume (Hume), while employed with Respondent, Dean Witter Reynolds, Inc. (DWR), sold part of an interest she maintained in U. S. Treasury Notes and replaced said interest with shares of common stock. The sale and purchase reduced the value of Halvorsen's account from \$35,115.63 to \$19,605.15.

Halvorsen alleges that she did not authorize said purchase and sale and makes a claim for the losses incurred thereby.

Respondents, Hume and Dean Witter Reynolds, Inc., answering jointly, allege that Halvorsen expressed an interest in receiving more income and various strategies were recommended to her in order to do so. One strategy Hume recommended was of dividend capture. Various transactions subsequently occurred until adverse conditions caused a collapse in the high yield bond market which affected Hume's positions.

RELIEF REQUESTED

Claimant, Halvorsen, seeks to recover the decrease in account value plus prejudgment interest, punitive damages, attorney fees and costs.

Respondents, Hume and Dean Witter Reynolds, Inc. seek dismissal of the claim in its entirety plus costs.

### AWARD

On February 27, 1991 in Portland, Oregon, during a hearing lasting two sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant, Helen M. Halvorsen on July 20, 1990 and signed by Larry R. Meyer on behalf of Respondent, Dean Witter Reynolds Inc. on October 30, 1990 and signed by Respondent David Hume on October 31, 1990.

After considering the pleadings, the testimony, and the evidence presented at the hearing, the arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Each and every claim of Claimant, Helen M. Halvorsen, against Respondent, Dean Witter Reynolds, Inc. is dismissed.
2. Each and every claim of Claimant, Helen M. Halvorsen, against Respondent, David Hume, is dismissed.
3. The parties shall each bear their respective costs including attorneys' fees.

### FORUM FEES

In accordance with Section <43c/44c> 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 by the arbitrator. In addition, Respondents are assessed fees of \$400.00. Fees are payable to the National Association of Securities Dealers, Inc.

Arbitrator's Signature

  
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Robert D. Rankin, Esq.

Date of Decision: \_\_\_\_\_