

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Suzanne Decker

90-02087

Name of Respondents

PaineWebber, Inc.
Robert Moore

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. ("NASD") on or about July 30, 1990, Suzanne Decker ("Claimant") alleged that Robert Moore ("Moore") a registered representative of PaineWebber, Inc. ("PaineWebber") (collectively as "Respondents") made material misrepresentations to induce her to invest in Putnam Option Income Fund II. Claimant also alleged that this was not a suitable investment for her given her investment experience and objectives.

In their Answer filed with the NASD on or about October 20, 1990, Respondents denied the allegations of Claimant. Respondents stated that Claimant was fully informed of the risks of her investment prior to making the investment. Respondents further stated that Claimant was in receipt of a prospectus for proposed investments prior to her choosing to invest in Putnam Option Income Fund II. Respondents also stated that Claimant was an experienced investor.

In her Response to the Answer filed with the NASD on or about October 26, 1990, Claimant stated that she was an experienced investor in real estate and not in securities. Claimant also stated that she had informed Moore that she was disabled. Claimant denied receiving a prospectus.

RELIEF REQUESTED

Claimant requested an award in the amount of \$138,000.00 or in the alternative \$20,000.00 a year.

Respondents requested that the claims be dismissed.

PROCEDURAL MATTERS

On Wednesday, April 3, 1991 in Scottsdale, Arizona during a hearing

lasting a total of two (2) sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on July 26, 1990 by Claimant Suzanne Decker on October 16, 1990 by William McC Montgomery on behalf of Respondent PaineWebber, Incorporated and on October 18, 1990 by Respondent Robert Moore.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD.

AWARD

The arbitration panel, 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 National Association of Securities Dealers, Inc. shall retain the hearing session deposit in the amount of \$750.00 previously deposited with the NASD by the Claimant Suzanne Decker. Respondent PaineWebber, Inc. shall pay to the NASD the sum of \$750.00 as forum fees.

Dated:

April 3, 1991

Robert A. Williams, Jr.
Presiding Chair

April 3, 1991

Matthew R. Gould

April 3, 1991

Bruce W. Gantner
Industry Arbitrator

Date served: 4-8-91