

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :  
: :  
Peter F. Apanovitch :  
: :  
: :  
Claimant :  
: :  
CASE #90-02308  
vs. :  
: :  
AWARD  
: :  
Shearson Lehman Hutton, Inc. :  
Howard Clark :  
: :  
Respondents :

### CASE SUMMARY

Peter F. Apanovitch, in a claim filed with the National Association of Securities Dealers, Inc. on August 20, 1990, alleged that Respondents failed to deliver fifteen (15) CMO interest paying bonds after payment and negligently added accrual bonds to the account instead of those purchased.

Respondent, Shearson Lehman Hutton asserts a Motion to Dismiss on behalf of Howard Clark maintaining that Mr. Clark was named solely in his capacity as Chief Executive Officer of Shearson Lehman Hutton, Inc. and had no relationship with Claimant. Shearson states that they were misinformed as to the frequency of interest payments on the bonds purchased by Mr. Apanovitch and offered two settlements to Claimant. Claimant did not agree to either offer.

Claimant requests the arbitrator to bar the Respondent's answer under Section 25(b)(iii), and states that Mr. Clark is relevant to this case and should not be dismissed. He further alleges that Respondent reneged on a settlement arranged in January, 1990 and reaffirms the allegations of his claim.

## RELIEF REQUEST

Claimant requests at least One Thousand Dollars and No Cents (\$1,000.00) in damages.

Respondents request Dismissal of the Claim against Howard Clark, resolution of this dispute by the panelist selected.

AWARD


Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, William Zysk, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on September 6, 1990 and by the Respondent Shearson Lehman Hutton, Inc. on January 2, 1991, respectively, Howard Clark did not sign a Submission Agreement;

And, that the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Claimant's Motion to Bar Respondent's Answer under Section 25(b)(iii) is denied.
2. Respondent's Motion to Dismiss Howard Clark is hereby granted.
3. Respondent, Shearson Lehman Hutton, Inc. now known as Shearson Lehman Brothers, Inc. is liable and shall restore Claimant's account to the original intent containing fifteen (15) CMO interest paying FNMA bonds.
4. Respondent, Shearson Lehman Hutton, Inc. now known as Shearson Lehman Brothers, Inc. is liable and shall pay to Claimant interest totalling One Thousand One Hundred Eighty-Seven Dollars and Fifty Cents (\$1,187.50)
5. The Thirty Dollars and No Cents (\$30.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant is assessed against the Respondent and payable by the Respondent to the Claimant, Peter F. Apanovitch.

AFFIRMATION

I, **WILLIAM ZYSK**, do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.

  
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Signature of Arbitrator

DATED: *January 2, 1991*