

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between	:
Raoul and Yvonne Fritz	:
Claimants	: AWARD
vs.	: Case #90-02336
Empire National Securities, Inc.	:
Respondent	:

REPRESENTATION

For Claimant: Roaul H. and Yvonne Fritz appeared pro se.

For Respondent: The representative for Empire National Securities, Inc. was Donna Kiernan.

CASE INFORMATION

Statement of Claim filed: October 24, 1990

Claimant's Submission Agreement signed on: August 17, 1990

Statement of Answer filed by Respondent, Empire National Securities, Inc. on: April 19, 1990.

Respondent, Empire National Securities, Inc. Submission Agreement signed on: November 28, 1990.

HEARING INFORMATION

Hearing Date/Sessions: July 30, 1991 One Session

Hearing Location: The offices of the National Association of Securities Dealers, Inc. located in New York City, NY.

CASE SUMMARY

Claimants alleged that the Respondent invested their funds in Keystone B-4, B-2, and B-1 Mutual Fund shares which were unsuitable for them since they were retired and had limited assets and caused them to lose a substantial portion of their retirement funds.

Respondent maintained the Claimants represented that their investment objective was aggressive growth and the prospectus describing the investment was reviewed and received by the Claimants and the product was explained and discussed with the Claimants. Respondent further maintained that the Claimants current investment in the Keystone B-1 Mutual Fund should be retained for the long-term as it provides a competitive rate of

monthly income.

RELIEF REQUESTED

Claimants requested the sum of \$10,042.59 representing actual out of pocket losses to date, the sum of \$1,940.33 representing deferred sales charges not yet incurred plus interest and recovery of any and all costs incurred by the Claimants in bringing the action.

Respondent requested dismissal of claim.

AWARD

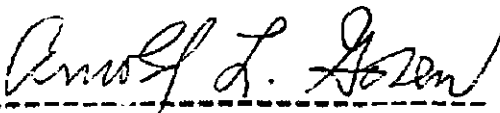
After considering the pleadings, the testimony and the evidence presented at the hearing and post hearing submissions (if any), the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. The Respondent Empire National Securities, Inc. be and hereby is liable and shall pay to the Claimants the sum of \$5,312.00 inclusive of interest.

FORUM FEES

Pursuant to Section 43(c) of the NASD Code of Arbitration Procedure the NASD shall retain the \$400.00 filing fee previously deposited by the Claimants and the Respondent be and hereby is liable and shall pay to the Claimants the sum of \$400.00 to reimburse them for the filing fee paid.

CONCURRING ARBITRATOR SIGNATURE



Arnold L. Goren

Public Arbitrator

Date of Decision:

August 27, 1991

STATE OF *New York*

COUNTY OF *Bronx*

S.S.

On this *13th* day of *August*, 1991, before me personally appeared *Arnold L. Goren* known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he/she executed the same.

CM Buckley

CLARIS M. BUCKLEY
Notary Public, State of New York
No. 018U4960814
Qualified in Bronx County
Commission Expires Jan. 2, 1992