

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Shearson Lehman Hutton, Inc.

90-02347

Name of Respondent(s)

Jonathan R. Mortimer

REPRESENTATION

For Claimant: Jerry B. Hodson, Esq. of Miller, Nash, Wiener, Hager and Carlsen

For Respondent: Respondent represented himself.

CASE INFORMATION

Statement of Claim filed: August 24, 1990

Amended Statement of Claim filed: September 6, 1991

Claimant's Submission Agreement signed on: August 28, 1990

Statement of Answer filed by Respondent, on: None filed.

Respondent's Submission Agreement signed on: None signed.

HEARING INFORMATION

Hearing Date(s)/Sessions: September 10, 1991/1 session

Hearing Location: Seattle, Washington

CASE SUMMARY

Claimant alleged in its claim that Respondent opened an FMA account with Claimant and indicated his desire to speculate by trading equity options and stated that he understood the risks involved. Claimant alleged that Respondent requested that Claimant liquidate shares of State Street Growth Fund, Inc. which he did not own, and that Shearson was required to pay for the State Street shares, and that a debit balance was created in Mortimer's account. Shearson alleged that despite demand, Mortimer has failed and refused to pay Shearson the amount due.

Respondent did not file an answer.

RELIEF REQUESTED

Claimant requested the sum of \$88,440.36, plus interest at the legal rate from February 10, 1986, until paid.

AWARD

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

1. Respondent Mortimer did not execute a submission to arbitration. However, Respondent Mortimer did appear at the hearing, was required to submit to arbitration pursuant to Section 12 of the NASD Code of Arbitration Procedure, and is bound by the panel's final determination on all issues submitted.
2. Respondent Mortimer is liable for and shall pay to Claimant the sum of Eighty Eight Thousand Four Hundred Forty Dollars and Thirty Six Cents (\$88,440.36), plus interest in the amount of Forty Four Thousand Nine Hundred Forty Eight Dollars and Fifty Cents (\$44, 948.50).
3. Each party shall bear its own attorneys' fees and costs.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award 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.

FORUM FEES

Pursuant to Section 44c of the Code of Arbitration Procedure, the NASD shall retain the \$1100 fees previously paid by the Claimant.

ARBITRATION PANEL

Name

Public/Industry  
Public / Chairperson  
Industry  
Public

Signatures

  
\_\_\_\_\_  
Monte Anthony

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

Served 10/22/1991