

Arbitration

National Association of
Securities Dealers, Inc.
One East Broward Boulevard
Suite 1000
Ft. Lauderdale, Florida 33301
(305) 522-7391

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between)

Name of Claimant(s))

Sam & Louise Apostolou)

Name of Respondent(s))

Michael Sobel)

Case No. 90-02368

REPRESENTATION

Claimants, Sam and Louise Apostolou ("Apostolou"): were pro se.

Respondent, Michael Sobel ("Sobel"): Brian B. Joslyn of Boose, Casey, Ciklin, Lubitz, et al.

CASE INFORMATION

Statement of Claim filed on: August 27, 1990.

Claimants' Submission Agreement signed on: October 26, 1990.

Respondent, Sobel's, Statement of Answer filed on: August 28, 1991.
Respondent's Submission Agreement signed on February 8, 1991.

HEARING INFORMATION

On December 11, 1991, in Tampa, Florida, a hearing lasting two sessions was conducted.

CASE SUMMARY

Claimant alleged that Respondent was liable for: misrepresenting that a certain mutual fund would provide consistent monthly income and would not fluctuate in interest or value; and that Respondent's recommendation that Claimants purchase said mutual fund was not suitable for Claimants.

Respondent denied all allegations of wrongdoing and alleged that: he explained that the principal value of a mutual fund would fluctuate; Sobel did not inform Claimants that their annuity would pay 9%; and, Claimants could have returned the annuity at no charge. Respondent asserted that he acted in a professional manner and in compliance with all applicable rules and regulations and that Claimants failed to mitigate damages.

RELIEF REQUESTED

Claimant requested damages in the amount of \$79,661.00 plus punitive damages of \$50,000.00.

Respondent requested dismissal of the claim, plus costs and attorney' fees.

OTHER ISSUES CONSIDERED & DECIDED

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 originals remain on file with the NASD.

AWARD

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

1. Respondent, Sobel, is found liable and shall pay to the Claimants the amount of \$645.00.
2. Claimants' request for punitive damages is denied.
3. Respondent's request for costs and attorney's fees is denied.

OTHER COSTS

The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Panel has assessed forum fees in the amount of \$1,500.00 (two sessions x \$750.00 per session). Claimants are hereby assessed \$750.00 for which the NASD shall retain the \$750.00 previously deposited in full satisfaction thereof. Respondent, Sobel is hereby assessed \$750.00 payable to the National Association of Securities Dealers, Inc.

Fees are payable to the National Association of Securities Dealers, Inc.

Concurring Arbitrators' Signatures

Name

/S/
Brian G. Mooney, Esq.

Public

/S/
William G. Kline

Public

Date of Decision: January 21, 1992