

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :	:
Marian F. Dempsey :	:
Claimant :	:
vs. :	: Case #90-02393
	: AWARD
E.F. Hutton Inc. N/K/A Shearson Lehman :	:
Brothers, Inc. :	:
Respondent :	:

CASE SUMMARY

Marian F. Dempsey, in a claim filed with the National Association of Securities Dealers, Inc. on April 27, 1990, alleged that Respondent E.F. Hutton, Inc., now known as Shearson Lehman Brothers Inc., breached its fiduciary duty and engaged in unethical conduct in the supervision of her customer account. Claimant states that her account executive at E.F. Hutton, Charles Morenus, neglected to advise her that the sale of the E.F. Hutton Growth Fund in her IRA account would be placed at the closing price and not at the price he quoted to her at 10:00 AM. She further alleges that at the age of sixty-nine, with mandatory IRA withdrawal at age seventy and a half, she should not have been sold a limited partnership.

Respondent, E.F. Hutton, Inc., now known as Shearson Lehman Brothers, Inc. through their Counsel, William A. Hqhauser, Esq. maintained that the Claimant was fully aware of the risks and rewards of the Uniprop investment and that she chose to make the investment. Respondent states that the Claimant made her own decisions and that her claims for the price of execution are unrealistic.

RELIEF REQUESTED

Claimant, requests damages of approximately Nine Thousand Four Hundred Twenty Six Dollars and No Cents (\$9,426.00).

Respondent requests dismissal of the claim, costs and attorney's fees.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public arbitrator, Dolores A. Dressander, Esq, was selected to review

and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on August 22, 1990 and by the Respondent on February 11, 1991;

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. That the Respondent, E.F. Hutton, Inc., now known as Shearson Lehman Brothers, Inc., is liable and shall pay to the Claimant, Marian F. Dempsey, Nine Thousand Four Hundred Twenty Six Dollars and No Cents (\$9,426.00) in actual damages and Three Thousand Eight Hundred Seventy Four Dollars and No Cents (\$3,874.00) in punitive damages, for a total of Thirteen Thousand Three Hundred Dollars and No Cents (\$13,300.00).
2. The parties shall bear their respective costs including attorney's fees.
3. The One Hundred Fifty Dollar and No Cents (\$150.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, Dolores A. Dressander, Esq., 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.

Dolores A. Dressander
Signature of Arbitrator

DATED: June 13, 1991