

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :

Francis H. Rainsdon :
First Trust Corp. :
TTEE FBO Francis Rainsdon :

Claimants :

CASE #90-02690
AWARD

vs. :

Dean Witter Reynolds, Inc. :

Respondent :

CASE SUMMARY

Pro Se Claimants Francis H. Rainsdon, First Trust Corp. TTEE FBO Francis H. Rainsdon, is a claim filed with the National Association of Securities Dealers, Inc on September 26, 1990. allege that Respondent Dean Witter Reynolds, Inc. failed to transfer to First Trust Corp., Trustee and Integrated Resources Equity Corp., broker/dealer, all of the fully paid shares and reinvested shares of his Eaton Vance High Income Trust mutual fund, on a timely basis. He states that, without authorization, Respondent sold his reinvested shares and continues to hold the proceeds thereof.

Respondent, Dean Witter Reynolds, Inc., in a Statement of Answer submitted by Hallie Matson, maintained that Claimant's IRA account was timely transferred to First Trust but that the Eaton Vance shares were registered in error to Financial Clearing instead of First Trust. They continue that the re-registration process took approximately two months when the shares were credited to Claimant's earned dividends that were sent to First Trust for Claimant's account . .

RELIEF REQUEST

Claimant requests damages in principal plus unpaid dividends of Seven Hundred Thirty-Six Dollars and Twenty-Nine Cents (\$736.39) through December 30, 1990, One Thousand Dollars and No Cents (\$1,000.00) in punitive damages, interest through September 30, 1990 totalling Fifty-Four Dollars and Forty-Eight Cents (\$54.48) and expenses of One Thousand Two Hundred Dollars and No Cents (\$1,200.00).

Respondent requests dismissal of the Claim.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Helen M. Marinak, 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 September 21, 1990 and by the Respondent on January 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 Claim of Francis H. Rainsdon, First Trust Corp. TTEE FBO Francis Rainsdon be, and hereby is, dismissed in its entirety.
2. The parties shall bear their respective costs including attorney's fees.
3. The Fifty Dollars and No Cents (\$50.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. and is assessed against the Respondent, Dean Witter Reynolds, Inc., who shall pay Fifty Dollars and No Cents (\$50.00) to Francis H. Rainsdon.

AFFIRMATION

I, HELEN M. MARINAK, 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.



Signature of Arbitrator

DATED:

8/20/91

EXECUTED