

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

David L. Sauer

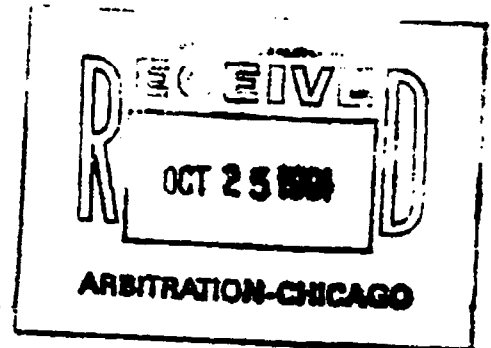
Claimant

and

90-03355

Raymond James & Associates, Inc.
Robert Collins

Respondents



REPRESENTATION OF PARTIES

Claimant David L. Sauer was pro se.

Respondents Raymond James & Associates, Inc. and Robert Collins were represented by Kevin A. Carreno of Raymond James & Associates, St. Petersburg, Florida.

CASE SUMMARY

In a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on or about November 23, 1990, Claimant David L. Sauer ("Sauer") alleged that he purchased seven (7) units of Carlyle 74 Limited Partnerships on August 14, 1987 at a cost of \$1028/unit or a total cost of \$7196.00 from Respondents Raymond James & Associates, Inc. and Robert Collins, broker for Raymond James & Associates ("Respondents"); and it was later determined that the value of the Limited Partnership was not accurately represented to Sauer. Sauer alleged that he purchased the Limited Partnerships as an investment for his Raymond James IRA, which Respondents indicated was a suitable and safe investment for conservative investors.

Sauer further alleged that in regards to his purchase of the Limited Partnerships, Respondents failed to disclose relevant material facts, misrepresented the value of investments by gross miscalculation of unit values, and encouraged purchase of speculative securities which were unsuitable for investment in his IRA.

In a joint Statement of Answer filed with the NASD on or about January 2, 1991 by Respondents Raymond James and Associates, Inc. and Robert G. Collins ("Respondents"), Respondents denied misrepresenting the suitability of the investment or its objectives. Respondents alleged that Claimant

assumed the risks of investing in a limited partnership, and, furthermore, that Claimant had an opportunity to fully investigate the Carlyle 74 with information supplied to him before making the investment. Respondents alleged that the subsequent events which led to the drop in the price of the Carlyle 74 units was not foreseeable and was the risk that Claimant undertook at the time he made the investment.

RELIEF REQUESTED

Claimant requested actual damages in the amount of Seven Thousand One Hundred Ninety Six Dollars and No Cents (\$7196.00) plus interest at 8% per year.

Respondents requested that the Statement of Claim be dismissed in its entirety.

OTHER ISSUES

Claimant David L. Sauer Amended his Statement of Claim to name Raymond James and Associates. Inc. rather than Raymond James Financial.

PROCEDURAL MATTERS

The above captioned hearing was submitted on the papers in Chicago, Illinois pursuant to Section 13 of the Code of Arbitration Procedure, Simplified Arbitration. The undersigned arbitrator decided the controversy between the parties as set forth in submissions to arbitration signed on November 23, 1990 by Claimant David L. Sauer, and on March 8, 1991 by Dennis W. Zank on behalf of Respondent Raymond James and Associates.

Respondent Robert Collins did not file with the NASD a properly executed submission to arbitration but is required to submit to arbitration pursuant to Section 12 of the NASD Code of Arbitration Procedure and having answered the claim, is bound by the determination of the arbitration panel on all issues submitted.

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 original(s) remain on file with the NASD.

AWARD

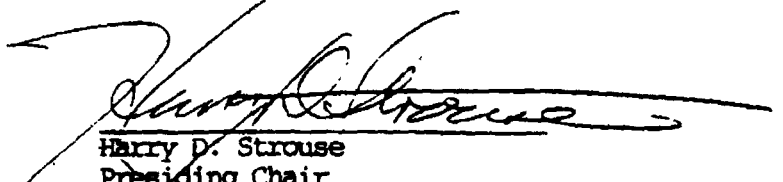
The arbitrator, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents, jointly & severally, shall be and hereby are liable for and shall pay to the Claimant the sum of Seven Thousand Seventy Five Dollars and Twenty Five Cents (\$7075.25);
2. No interest shall be awarded on the above sum;
3. Each party shall bear their own costs and expenses other than those specifically enumerated herein;

4. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the claim filing fee in the amount of \$75 and the hearing session deposit in the amount of \$75.00 previously deposited with the NASD by the Claimant. Respondents, jointly and severally, shall be and hereby are liable for and shall reimburse to Claimant David Sauer the forum fees previously deposited with the NASD in the amount of \$150.

Dated:

10/21/91


Harry D. Strouse
Presiding Chair
Public Arbitrator

NASD served - 10/31/91