

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Alice Allen

91-00002

Name of Respondents

Kidder, Peabody & Co., Incorporated
Martin Finn

REPRESENTATION

For Claimant: Morley Goldberg of Matrix Assets Advisors.

For Respondents Kidder, Peabody & Co. Inc. and Martin Finn: Maureen Cunningham, Esq. of Shanley & Fisher.

(The chairman ruled prior to the commencement of the first hearing session that Mr. Goldberg could act as Ms. Allen's representative.)

CASE INFORMATION

Claimant signed a Submission Agreement on February 6, 1991 and filed a Statement of Claim on December 27, 1990. Claimant filed an Amended Claim on April 18, 1991 to add Kidder, Peabody & Co., Inc. as a Respondent.

Respondent Martin Finn signed a Submission Agreement on July 23, 1991 and filed a Statement of Answer on April 19, 1991.

Respondent Kidder, Peabody & Co., Inc. signed a Submission Agreement on July 24, 1991 and filed a Statement of Answer on May 16, 1991.

HEARING INFORMATION

Hearing Dates/Sessions: July 23, 1991 - 2 sessions;
July 24, 1991 - 2 sessions.

Hearing Location: New York, New York.

CASE SUMMARY

Claimant alleged that Respondent Martin Finn traded two trust accounts which invested in various equity securities in a manner solely to generate commissions and that she was charged full commissions. She also alleged that Respondent Kidder, Peabody & Co. did not properly supervise Respondent Finn.

Respondents denied all allegations of wrongdoing. They further alleged that all trades were authorized, and that Claimant was sent confirmations of all trades. Respondents acknowledged that all trades were executed at full commission, but that this was appropriate since full service was provided.

RELIEF REQUESTED

Claimant originally requested damages of \$62,000 but then amended her claim to ask for \$49,000 for commissions charged during 1984-1989 and costs for bringing the arbitration.

Respondents requested dismissal of the matter and costs to be assessed against the Claimant.

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. That Claimant's claim is dismissed in its entirety against both Respondents;
2. That Forum Fees will be based on damages Claimant requested at the hearing rather than the amount she originally pled; and
2. That each side is to bear its own costs and attorneys' fees.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, Forum Fees of \$1600 are assessed. This amount is calculated as follows:
4 sessions x \$400/session. This amount is to be borne by the parties in the following manner:


Claimant is assessed \$1600.00, but will receive a credit of \$730.00 because of fees that she previously paid.
Therefore, Claimant should remit \$870.00 to the NASD.

(Claimant had originally paid a \$200.00 claim filing fee plus a \$650.00 hearing session deposit. However at the hearing, Claimant requested a smaller amount of damages than what was originally pled, with the result

that the NASD claim filing fee which would be owed on the amount requested at the hearing would be \$120.00. Pursuant to section 43 of the Code of Arbitration Procedure, the NASD shall retain the \$120.00 non-refundable claim filing fee that Claimant previously deposited. Claimant therefore has a \$80.00 credit from the claim filing fee that was originally paid and a \$650.00 credit from the hearing session deposit originally paid.)

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

Concurring Arbitrators' Signatures:



Ira S. Newman, Esq.
Public Arbitrator

Executed on: August 8, 1991

Dated by NASD: August 27, 1991

that the NASD claim filing fee which would be owed on the amount requested at the hearing would be \$120.00. Pursuant to section 43 of the Code of Arbitration Procedure, the NASD shall retain the \$120.00 non-refundable claim filing fee that Claimant previously deposited. Claimant therefore has a \$80.00 credit from the claim filing fee that was originally paid and a \$650.00 credit from the hearing session deposit originally paid.)

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

Concurring Arbitrators' Signatures:



Robert Seaman, Esq.
Public Arbitrator

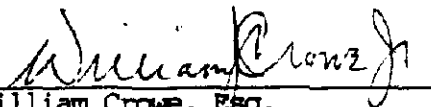
Executed on: Aug 16, 1991

Dated by NASD: August 27, 1991

that the NASD claim filing fee which would be owed on the amount requested at the hearing would be \$120.00. Pursuant to section 43 of the Code of Arbitration Procedure, the NASD shall retain the \$120.00 non-refundable claim filing fee that Claimant previously deposited. Claimant therefore has a \$80.00 credit from the claim filing fee that was originally paid and a \$650.00 credit from the hearing session deposit originally paid.)

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

Concurring Arbitrators' Signatures:


William Crowe, Esq.
Industry Arbitrator

Executed on: 8/12/91

Dated by NASD: August 27, 1991