

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant

Sam Kumar Gupta

91-00182

Name of Respondents

Vautrain Nelson Lefevre Endsley & Durham  
Lynn D. Vautrain

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REPRESENTATION OF PARTIES

Claimant did not appear.

Respondent Lynn D. Vautrain appeared pro se.

CASE INFORMATION

The Statement of Claim was filed on or about January 15, 1991.

Claimant's Submission Agreement signed on January 10, 1991.

Statement of Answer filed by Respondent, Lynn D. Vautrain and Vautrain Nelson Lefevre, Endsley and Durham, Inc. on or about May 20, 1991.

Respondent Lynn D. Vautrain's Submission Agreement signed on May 17, 1991.

HEARING INFORMATION

The hearing was held on Thursday, January 23, 1992 in Dallas, Texas for a total of one session.

CASE SUMMARY

Claimant alleged that Respondents made misrepresentations and concealed material facts in connection with the sale of bank bonds. Claimant specifically stated that he was told that the bank bonds in question were totally safe and secured bonds with absolutely no risk of default.

Respondents denied the allegations set forth in the Statement of Claim. Respondents further stated that the NASD District Business Conduct Committee has reviewed a complaint filed by the Claimant and determined that no action was warranted. Respondents also stated that the bonds in question were trading at a price higher than his purchase price.

### RELIEF REQUESTED

Claimant requested an award in the amount of approximately \$6,500.00 and interest.

Respondents requested that the claims asserted against them be dismissed.

### OTHER ISSUES CONSIDERED & DECIDED

The arbitrator also determined that Claimant had received due notice of the hearing as required under Section 26 of the Code and that arbitration of the matter would proceed pursuant to Section 29 of the Code.

Respondent Vautrain Nelson Lefevre, Endsley and Durham, Inc. 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 (the "Code") and having answered the claim, appeared and offered testimony at the hearing is bound by the determination of the arbitrator on all issues submitted.

### AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing and the post-hearing submissions, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted in this matter shall be and hereby are dismissed in their entirety.
2. Each party shall bear its own costs, expenses and attorney's fees, if any, incurred in this matter not specifically enumerated herein.

### FORUM FEES

Pursuant to Section 43(c) of the NASD Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. ("NASD") shall retain the non-refundable filing fee in the amount of \$75.00 and shall retain the hearing session deposit in the amount of \$200.00 previously deposited with the NASD by the Claimant. Forum fees are calculated at the rate of \$200.00 for each hearing session.

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

Dated:

January 24, 1992

Ralph S. Janvey, Esq.  
Ralph S. Janvey, Esq.  
Presiding Chair  
Public Arbitrator