

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Herbert Caplan
Marian Caplan
Joel Caplan
Mollie Caplan
Nathan Caplan

91-00634

Name of Respondent

Johnston, Lemon & Company, Inc.

REPRESENTATION

For Claimant: Claimants appeared pro se.

For Respondent: Respondent was represented by Donald E. Clem

CASE INFORMATION

Statement of Claim filed on February 26, 1991. Additional information filed with National Association of Securities Dealers, Inc. on May 7, 1991 and May 14, 1991.

Claimant Herbert Caplan's Submission Agreement signed on: December 20, 1990

Claimant Nathan J. Caplan's Submission Agreement signed on: January 10, 1991.

Claimant Joel Caplan's Submission Agreement signed on: December 19, 1990.

Claimant Mollie Caplan's Submission Agreement signed on: January 28, 1991.

Claimant Maureen Caplan's Submission Agreement signed on: December 8, 1990.

Statement of Answer filed by Respondent, Johnston Lemon & Company, Inc. on: May 1, 1991.

PAGE 2
AWARD #91-00634

Respondent, Johnston Lemon & Company, Inc.'s Submission Agreement signed on:
May 1, 1991.

HEARING INFORMATION

Hearing Date/Session: August 1, 1991 One Session

Hearing Location: National Association of Securities Dealers, Inc. located in
Washington, DC.

CASE SUMMARY

Claimants alleged that the Respondent failed to follow their instructions to send the Claimants all of the securities in their accounts; failed to move securities to certain accounts as instructed by the Claimants and failed to pay them their interest due in a timely manner. Claimants further alleged the actions of the Respondent prevented Claimants from carefully managing their portfolios and as a result they had to spend an exorbitant amount of time to rectify their account to prepare their taxes.

Respondent maintained interest was paid to the Claimants in a timely manner and further maintained they are not aware of any request by the Claimants to deliver securities to them. Respondent further maintained they make every effort to comply with instructions of their clients and Claimants have failed to identify the mistakes and tax consequences alleged by Claimants and if the firm was notified of a mistake, corrective action would have been taken.

RELIEF REQUESTED

Claimants requested damages of \$5,000.00 plus interest.

Respondent requested dismissal of claim.

AWARD

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

1. The Respondent Johnston Lemon & Company, Inc. be and hereby is liable and shall pay to the Claimants the sum of \$2,608.10 inclusive of interest.

PAGE 3
AWARD 91-00634

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure the National Association of Securities Dealers, Inc. shall retain the \$150.00 filing fee previously deposited by the Claimants.

ARBITRATOR SIGNATURE

Name

Public/Industry


William H. Malloy, Jr. Esq.

DATE OF DECISION: October 23, 1991