

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Jerry Rudolph and Millie Rudolph

vs.

91-00854

Name of Respondent(s)

Benefit Plan Securities
Rey Frimmersdorf

REPRESENTATION

For Claimants: David Peterson, Esq., 847 Fifth Street, Santa Rosa, CA 95404

For Respondents: James Sullivan, Esq., Four Embarcadero Center, Suite 1450, San Francisco, CA 94111

CASE INFORMATION

Statement of Claim filed: March 18, 1991

Claimants' Submission Agreement signed on: March 13, 1991

Statement of Answer filed by Respondents on: May 28, 1991

Respondents' Submission Agreement signed on: May 28, 1991

HEARING INFORMATION

Hearing Date(s)/Sessions: December 3 and 4, 1991

Hearing Location: San Francisco, California

CASE SUMMARY

Claimants alleged misrepresentation, lack of suitability and lack of disclosure and due diligence in the purchase of Harbor Equities - Second Apartment and Colonial Tax Free Fund.

Respondents denied all substantive allegations of the Statement of Claim.

RELIEF REQUESTED

Claimant requested:

Compensatory damages of \$119,000.00, amended at the hearing to \$136,000.00.

OTHER ISSUES CONSIDERED & DECIDED

The parties stipulated to a waiver of a record of the proceedings due to the unavailability of functional equipment.

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. Respondents are jointly and severally liable for and shall pay claimants the sum of \$35,000.00.
2. The parties shall each bear their respective costs including attorneys' fees.

OTHER COSTS

None.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the NASD shall retain the \$750.00 filing fee previously deposited by the claimants. In addition, claimant is also assessed additional forum fees of \$750.00 and respondent is assessed fees of \$1,500.00, representing charges for forum fees.

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

ARBITRATION PANEL

Name

Public/Industry
Public
Industry
Public

Concurring Arbitrator's Signatures

Albert Loeb Roasberg
Albert Loeb Roasberg

DATE SERVED: 12/16/91

Date of Decision: _____