

**N.A.S.D. AWARD**

**NATIONAL ASSOCIATION OF SECURITIES DEALERS**

In the Matter of the Arbitration Between

**Name of Claimants**

James D. Adams  
Winona T. Adams

NASD Arbitration  
No. 91-01366

**Name of Respondents**

IDS Financial Services Inc.  
Stanley Tobias

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**REPRESENTATION**

For Claimant: In Pro Se

For Respondent: Ellen B. Politano, Esq. - Honolulu, Hawaii

**CASE INFORMATION**

Statement of Claim filed: May 1, 1991

Claimants' Submission Agreement signed: February 21, 1991

Joint Statement of Answer filed by Respondent: February 6, 1992

Respondent, Stanley Tobias' Submission Agreement signed: January 12, 1993

## **HEARING INFORMATION**

re-Hearing Conference: None

Hearing Dates/Sessions: January 20, 1993 - Two Sessions

Hearing Location: Honolulu, Hawaii

## **CASE SUMMARY**

Claimants alleged that Respondent, Stanley Tobias (Tobias) failed to apply proper business ethics by selling them an unsuitable annuity investment and failing to disclose the fees and charges in closing out an existing account and opening a new one with lower yield. Claimants also alleged that IDS failed to properly supervise Tobias.

Respondents, IDS and Tobias, alleged that Claimants' contentions are without merit, that their investments have performed well for them and that the IDS Fixed Retirement annuity is a very suitable investment for their retirement needs

## **RELIEF REQUESTED**

Claimants seek compensatory damages of \$7,839.09 and punitive damages of \$2,500.00

Respondents seek dismissal of the claim in its entirety.

## **OTHER ISSUES CONSIDERED & DECIDED**

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 remain on file with the NASD.

## 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. Each and every claim of Claimants, James D. Adams and Winona T. Adams, against Respondent, IDS Financial Services, Inc. is dismissed.
2. Each and every claim of Claimants, James D. Adams and Winona T. Adams, against Respondent, Stanley Tobias, is dismissed.
3. The parties shall each bear their respective costs and fees.

## FORUM FEES

No additional fees were assessed.

## ARBITRATORS

Name

George Kerr, Esq.

Public/Industry

Public Chairperson

Concurring Arbitrators' Signatures

Date of Decision:

JANUARY 20, 1993

Served 2/15/93