

## N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

National Association of  
Securities Dealers, Inc.  
NASD Financial Center  
33 Whitehall Street  
New York, N.Y. 10004  
FAX (212) 858-4389

In the Matter of the Arbitration Between

Name of Claimants

Branislav &amp; Ranka Dabetic

vs.

Case #  
91-01859

Name of Respondents

Shearson Lehman Brothers, Inc.  
Osman Ghandour

REPRESENTATION

For Claimants: James P. Duffy, III, Esq. of Meltzer Lippe Goldstein & Wolfe,  
P.C.

For Respondents: Thomas C. O'Keefe, Esq.

CASE INFORMATION

Statement of Claim filed: June 13, 1991.

Claimants' Submission Agreement signed on: February 19, 1991.

Statement of Answer filed by Respondents, Shearson Lehman Hutton, Inc. and  
Osman Ghandour, on: September 27, 1991.

Respondent's, Shearson Lehman Hutton, Inc., Submission Agreement signed on:  
November 08, 1991.

Respondent's, Osman Ghandour, Submission Agreement signed on: September 20,  
1991.

HEARING INFORMATION

Pre-Hearing Conference: December 06, 1991 - One session.

February 12, 1992 - One session.

Hearing Date/Hearing Sessions: February 18, 1992 - Three sessions.

Hearing Location: New York, New York.

CASE SUMMARY

Claimants, Branislav and Ranka Dabetic, allege that Respondents, Shearson

Lehman Hutton, Inc. and Osman Ghandour, improperly handled their account. Claimants further allege that Respondents failed to advise them of the risks associated with currency futures investments and the suitability of the investments recommended to them in light of their objectives and net worth. They further allege that Respondents misrepresented the rate of return and that firm failed to supervise Mr. Ghandour.

Claimants also allege that at the time the account was opened, they lacked significant investment expertise or experience. They contend that they advised Mr. Ghandour, that they were interested in a cautious and conservative investment strategy.

Respondents deny the allegations and deny liability. Respondents contend that it was Mr. Dabetic who approached Mr. Ghandour about currency futures trading and Mr. Ghandour explained the risk and reward of such trading. Respondents asserted five affirmative defenses.

#### RELIEF REQUESTED

Claimants request that the Panel order Respondents to restore the \$132,000 loss sustained in their account plus interest on the full amount of their investment, \$400,000.00, costs and attorney's fees.

Respondents request that the panel dismiss the claim and award Respondents costs and attorney's fees incurred in defending this matter.

#### OTHER ISSUES CONSIDERED AND 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 originals remain on file with the NASD.

At the outset of the hearing, Respondents made a motion for sanctions and attorney's fees as a result of Claimants' failure to comply with Respondents' discovery requests. The panel reserved decision on this request.

When Claimants were finished with the presentation of their case, Respondents requested a directed verdict. The panel reserved decision on the motion.

#### 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. All claims asserted by Claimants are denied in their entirety;

2. The claim for attorney's fees is denied;
3. The motion for sanctions and attorney's fees is denied.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following Forum Fees are assessed and any fees paid shall be applied to the fees assessed.

1. Claimants are assessed \$200.00 non-refundable filing fee;
2. Forum fees in the amount of \$2,850.00 for three hearing sessions at \$750.00 per session and two pre-hearing conferences at \$300.00 per session are assessed and shall be borne equally by the parties;
3. Thus, Claimants are further assessed \$1,475.00
4. The total amount assessed against the Claimants is \$1,675.00 and they shall receive a credit of \$950.00 which was previously paid;
5. Respondents are assessed \$1,475.00.

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

Concurring Arbitrator's Signature

Name

  
Robert L. Spangler

Industry

Date of Decision: March 9, 1992

2. The claim for attorney's fees is denied;
3. The motion for sanctions and attorney's fees is denied.

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Concurring Arbitrator's Signature  
Name

Public

  
Joseph S. Mascia

Executed on  
~~Date of Decision:~~

March 5, 1992

Date of Decision: March 9, 1992

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Concurring Arbitrator's Signature

Name

  
James M. Baumann, Esq.

Public - Chairperson

Executed on

~~Date of Decision:~~

3/5/92

Date of Decision: March 9, 1992