



N.A.S.D. MODIFIED AWARD

Arbitration

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 Claimant(s)

James F. McKeon

91-01970

Name of Respondent(s)

Stephen Dunn
Robert A. Veideman

REPRESENTATION

Claimant James F. McKeon appeared pro se.

Respondents Stephen Dunn and Robert Veideman appeared pro se.

CASE INFORMATION

Statement of Claim filed: July 24, 1991.

Claimant's Submission Agreement signed on: July 20, 1991.

Submission Agreement of Respondent Stephen Dunn signed on: September 16, 1991.

Submission Agreement of Respondent Robert Veideman signed on: September 26, 1991.

Statement of Answer of Stephen Dunn filed on: September 18, 1991.

Statement of Answer of Robert Veideman filed on: December 18, 1991.

HEARING INFORMATION

Hearing Date/Sessions: March 19, 1992 - Two Sessions.

Hearing Location: Boston, Massachusetts.

CASE SUMMARY

Claimant alleged that Respondents failed to inform him of the risks and lack of liquidity of investments recommended to him such as Sumbelt Growth Mutual Fund and Balcor Pension Investors, IV, a real estate limited partnership. Claimant further alleged that the investments recommended by Respondents to

him were unsuitable for someone of his age and income. Respondent, Robert Veideman maintained that all investments recommended to the Claimant were suitable for the Claimant given his expressed goals, his stated desire and his acknowledged receipt and review of each investment's prospectus. Respondent Stephen Dunn maintained that the investments made for the Claimant were not unsuitable and had minimal risk. Respondent Stephen Dunn further maintained that the Claimant made a small profit on some of his investments.

RELIEF REQUESTED

Claimant requested damages of \$63,778.00 which was amended by the Claimant to \$34,262.00. Respondent Robert A. Veideman asserted a Motion to Dismiss pursuant to Section 15 of the Code of Arbitration Procedure and requested that all claims of the Claimant be denied. Mr. Veideman also asserted a counterclaim against the Claimant for all costs and forum fees as the arbitrators deem appropriate. Respondent Stephen Dunn asserted a Motion to Dismiss pursuant to Section 15 of the Code of Arbitration Procedure and asserted a counterclaim for costs and legal fees against the Claimant.

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 originals 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. The Claims of the Claimant James F. McKeon against Respondents Stephen Dunn and Robert Veideman be and hereby are dismissed.
2. The counterclaim of Respondent Stephen Dunn is denied.
3. The counterclaim of Respondent Robert Veideman is denied.
4. The parties shall each bear their respective costs including any attorneys fees.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed.

Non-refundable filing fee: \$120.00
Hearing Session Fees: \$400.00

1. Claimant is hereby assessed all forum fees in the amount of \$520.00. Claimant previously deposited the amount of \$500.00. These amounts are applied as follows: \$120.00 for the non-refundable filing fee and \$380.00 for the hearing session deposit. Claimant is directed to pay the balance of \$20.00 to the NASD, Inc.

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Concurring Arbitrator's Signature
J. Paul Finnegan, Esq. (Chairperson)

Public Arbitrator

Paul Finnegan

Date of Decision: Oct 26 1992

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Concurring Arbitrator's Signature
William Aziz

Industry Arbitrator

William J. Aziz

Date of Decision: 10/28/92