

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Sharon Robinson

vs.

PaineWebber, Inc.

NASD Arbitration

No. 91-02344

REPRESENTATION

For Claimant: Sharon Robinson

For Respondent: Scott Ratchick, Esq.

CASE INFORMATION

Statement of Claim filed: August 20, 1991

Claimant's Submission Agreement signed on: July 23, 1991

Statement of Answer filed by Respondent on: October 21, 1991

Respondent, PaineWebber's Submission Agreement signed on: November 4, 1991

Respondent, Daniel Johnson's Submission Agreement signed on: November 6, 1991

Respondent, George Yankowsky's Submission Agreement signed on: November 4, 1991

HEARING INFORMATION

Pre-Hearing Conference(s) : None.

Hearing Date(s)/Session(s): April 1, 1992 - One Session.

Hearing Location: San Francisco, California.

CASE SUMMARY

Claimant alleged loss of the following assets in transferring them to respondent PaineWebber, Inc:

- 1) One Gold Co. of America CTF 02 (012789 Delivered);
- 2) 290 Gold Co. of America CTF / IMS (012789 Delivered);
- 3) 80 Gold Co. of America CTF/IMS (052589 Delivered).

Respondents denied all substantive allegations of the Statement of Claim and alleged that they could not explain the non-transfer of gold and affirmative defenses including failure to mitigate, authorization and ratification.

RELIEF REQUESTED

Claimant requested:

- 1) Compensatory damages of \$1,150.00; and
- 2) Punitive damages.

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 original(s) remain on file with the NASD.

Respondents made a Motion to Dismiss at the hearing which was taken under advisement and is granted as to individual respondents Daniel Johnson and Gregory Yankowsky who are therefore not included in the caption of this case as parties.

AWARD

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

- 1) Respondent PaineWebber, Inc. only is liable for and shall pay claimant the sum of \$548.00.
- 2) The claim for punitive damages is dismissed.
- 3) The parties shall each bear their respective costs, including attorneys' fees.

FORUM FEES

Pursuant to Section <43c/44c> of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed. The NASD shall refund the \$200.00 hearing session deposit previously deposited by the Claimant. Forum fees assessed against PaineWebber, only for \$200.00, calculated as follows: One hearing session times \$200.00/per hearing session.

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

ARBITRATION PANEL

Name

John O. Blevins, Jr.

Public/Industry

Public Chairperson

John O. Blevins, Jr.

DATE SERVED: 04/10/92

Date of Decision: April 15, 1992