

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
PaineWebber, Inc. :

Claimant :

vs. :

Cynthia D. Sadler, MD :

Respondent :

CASE #91-02741
AWARD

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on September 3, 1991, Claimant PaineWebber, Inc. through their in-house counsel, Garry J. Stegeland, Esq., alleged that Respondent Cynthia D. Sadler, MD has refused to pay a debit balance in her account which was caused when the Respondent requested and received an \$8,000.00 check cut from her account. The check withdrawal debit was not included in the Respondent's account transfer to another brokerage firm, therefore, this debit remains in the Respondent's account.

Respondent, Cynthia D. Sadler, MD, maintained that she was not informed of the \$8,000.00 discrepancy until after she had liquidated her stocks. Respondent further maintained that the Claimant failed to provide her with accurate and honest information and that the situation was aggravated by the Claimants' not properly transferring her account to the other firm. The Respondent also maintained that if not for the actions of the Claimant, her assets would not be at risk.

RELIEF REQUESTED

Claimant, PaineWebber, Inc., requested \$7,804.91 in actual damages plus interest and attorney's fees, along with the return of the NASD filing fee.

Respondent, Cynthia D. Sadler, MD, requested the claims of the Claimant be dismissed.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Dolores A. Dressander, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on August 22, 1991 and by the Respondent on October 1, 1991.

And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. The Respondent, Cynthia D. Sadler, MD, is liable and shall pay \$7,804.98 in damages to Claimant, PaineWebber, Inc.
2. The Claimant, PaineWebber, Inc.'s request for attorney's fees is denied.
3. The Claimant's request for interest is denied.
4. The parties shall bear their respective costs.
5. The \$575.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, DOLORES A. DRESSANDER, ESQ., do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.

Dolores A. Dressander
Signature of Arbitrator

DATE OF DECISION: January 29, 1992