

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Hersel Mikaelian

vs.

NASD No. 91-02780

Kennedy Cabot & Co, Inc.

REPRESENTATION

For Claimant: Hersel Mikaelian

For Respondent: George Kupper, Esq.

CASE INFORMATION

Statement of Claim filed: September 20, 1991

Claimant's Submission Agreement signed on: August 8, 1991

Statement of Answer filed by Respondent on: January 20, 1992

Respondent's Submission Agreement signed on: December 20, 1991

HEARING INFORMATION

Pre-Hearing Conferences: None

Hearing Dates/Sessions: April 14, 1992 - Two Sessions

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant, - Hersel Mikaelian (Mikaelian), alleged that Respondent, Kennedy Cabot & Co. Inc., mishandled his account by depositing claimant's shares of Ventora Resources stock into someone else's account. Claimant also alleges that Respondent caused the purchase and sale of stocks without his express permission and did not analyze the market carefully when they decided on their own to trade his stock.

Respondent, Kennedy Cabot & Co, Inc., alleged that Mikaelian purchased a security that greatly declined in value and is seeking Kennedy Cabot to pay for his volitional decisions. At not time has Mikaelian ever made reference to any attempt to sell the positions and there is no evidence of at mitigation by him. Mikaelian alleged that Respondent's mishandling of the account somehow lead to the diminution in value of his investment. It took several years for the original investment to decline to the present value and over that period of time, no attempt to sell the stock was made by the Claimant.

RELIEF REQUESTED

Claimant requested \$22,874.00 (the original price paid for his investment.)

Respondent requested dismissal of the claim in its entirety.

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.

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. Respondent, Kennedy Cabot & Co., Inc. is liable and shall pay to Claimant, Hersel Mikaelian, the sum of Three Thousand, Eight Hundred and Fifty Dollars and No Cents (\$3,850.00).
2. No interest is awarded.
3. No forum fees are assessed.

ARBITRATION PANEL

Name

John H. Ashoorian

Public/Industry

Public

Concurring Arbitrators' Signatures


John H. Ashoorian

Date of Decision: _____

Served May 26, 1992