

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between ;

James S. Rice ;

Claimant ;

vs. ;

CASE #91-02943

Linda Dowd ;

AWARD

Respondent ;

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on September 23, 1991, claimant James S. Rice who appeared pro se, alleged that Respondent Linda Dowd misled him into purchasing 1,000 shares of National Media Corp. stock. He further alleged that the Respondent misrepresented to him that this firm would soon have major gains, when in fact, the price of the stock dropped dramatically.

Respondent, Linda Dowd who appeared pro se, maintained that she never guaranteed a profit to the claimant and that the claimant was aware of the risks in owning stock, since he had investment experience. She further maintained that although she regrets the claimants' loss, she did not violate any NASD rules of Fair Practice, and that this proceeding is the first time she had heard a complaint from the claimant regarding this matter.

RELIEF REQUESTED

Claimant, James S. Rice requested \$9,565.00 in actual damages and return of the NASD filing fee.---

Respondent Linda Dowd 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, Thomas E. Mulvihill, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on September 17, 1991 and by the Respondent on December 22, 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 claims of the claimant James S. Rice against Respondent Linda Dowd are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the claimant shall be retained by the NASD.

AFFIRMATION

I, Thomas E. Mulvihill, 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.



Thomas E. Mulvihill

Date of Decision: April 28, 1992