

PUBLIC

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
:
Lawrence I. Stern :
:
Claimant : CASE #91-03076
:
vs. : AWARD
:
Andrew Strasser :
:
Respondent :

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on October 1, 1991, Claimant Lawrence I. Stern who appeared Pro Se, alleged that Respondent Andrew Strasser of Sutro & Co., Inc. recommended he purchase ten Put Contracts of Value Line, and that Respondent Strasser fraudulently induced him to buy options by assuring him of rigid option rules. The Claimant further alleged that since he was not knowledgeable in the stock market, he had relied solely on the Respondent's advice, which caused him to lose money.

Respondent, Andrew Strasser, through his counsel, Abe Lampart, Esq. of Berman, Berkley & Lasky, San Francisco, CA, maintained that the Claimant failed to mitigate his damages by holding onto the investment, when he could have sold to minimize his losses. The Respondent further maintained that the Claimant has failed to establish elements which would constitute fraud and therefore, his claim should be dismissed.

RELIEF REQUESTED

Claimant, Lawrence I. Stern requested \$4,659.03 in actual damages, plus \$5,000.00 in punitive damages.

Respondent, Andrew Stressor 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, Robert G. Bailey, 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 27, 1991 and by the Respondent on April 30, 1992.

Page Two
AWARD
91-03076

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 Lawrence I. Stern against Respondent Andrew Strasser are dismissed in their entirety.
2. The Claimant's request for punitive damages is denied.
3. The parties shall bear their respective costs.
4. 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, ROBERT G. BAILEY, 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.



Signature of Arbitrator

DATE OF DECISION: August 12, 1992