

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant(s)

Alice G. Kerber

vs.

91-03424

Name of Respondent(s)

Alexander W. Elliott  
SunAmerica Securities, Inc.

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REPRESENTATION

For Claimant: Alice G. Kerber, San Jacinto, California

For Respondent Alexander W. Elliott: No appearance by Alexander W. Elliott

For Respondent SunAmerica Securities, Inc: Shannon McDougald, Esq., Keesal,  
Young & Logan, Long Beach, California

CASE INFORMATION

Statement of Claim filed: October 31, 1991

Amended Statement of Claim filed: May 18, 1992

Claimant's Submission Agreement signed on: October 28, 1991

Statement of Answer filed by Respondent Alexander W. Elliott: December 24,  
1991

Respondent Alexander W. Elliott's Submission Agreement signed on: December  
23, 1991

Statement of Answer filed by Respondent SunAmerica Securities, Inc. on: July  
22, 1992

Respondent SunAmerica Securities, Inc.'s Submission Agreement signed on:  
June 25, 1992

### HEARING INFORMATION

Prehearing Conference(s) Date(s) Sessions: None

Hearing Date/Sessions: August 4, 1992 (two sessions)

Hearing Location: Los Angeles, California

### CASE SUMMARY

Claimant alleged that transactions with respect to her IRA accounts were made contrary to Claimant's instructions.

Respondent Alexander W. Elliott denied Claimant's allegations and asserted that he followed Claimant's instructions pursuant to their discussions regarding Claimant's investment plans.

Respondent SunAmerica Securities, Inc. alleged that it was not involved in the selection and evaluation of the investments at issue, and that SunAmerica Securities, Inc. was inappropriately named in this matter.

### RELIEF REQUESTED

Claimant requested:

1. For account number D171877-001 - \$3112.76;
2. For account number 55978 - \$22,141.69; and
3. For salary, time and for preparing documents - \$2,000.00

### OTHER ISSUES CONSIDERED & DECIDED

Prior to the hearing, the panel of arbitrators reviewed and considered written positions of the parties relative to Respondent SunAmerica Securities, Inc.'s Motion to Dismiss. The panel of arbitrators denied the Motion.

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 originals remain on file with the National Association of Securities Dealers, Inc. (NASD).

### AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted against Respondent SunAmerica Securities, Inc. are dismissed.
2. Respondent Alexander W. Elliott is liable for and shall pay to

Claimant the sum of \$5,000.00.

3. The parties shall each bear their respective costs including attorney's fees.

OTHER COSTS

None.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following forum fees are assessed: The NASD shall refund the \$400.00 hearing session deposit previously deposited by the Claimant. Forum fees assessed against:

Respondent Alexander W. Elliott in the amount of \$800.00 calculated as follows: Two hearing sessions times \$400.00/session.

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

ARBITRATION PANEL

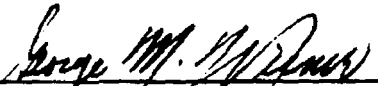
Public/Industry

Public Arbitrator

Public Arbitrator

Industry Arbitrator

Concurring Arbitrators' Signature

  
George M. Wieser, Esq.

DATE SERVED: 09/11/92

Date of Decision: SEPT. 4, 1992