

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between)

Name of Claimant(s))

Christopher H. Kittleson)

Name of Respondent(s))

Shearson Lehman Hutton, Inc.)

Case No. 91-03635

REPRESENTATION

Claimant, Christopher H. Kittleson ("Kittleson"): was pro se.

For Respondent, Shearson Lehman Hutton ("Shearson"): Scott Almas of Shearson.

CASE INFORMATION

Statement of Claim filed: November 19, 1991. Claimant's Submission Agreement signed: November 13, 1991.

Respondent's Statement of Answer filed: April 16, 1992. Respondent's Submission Agreement signed by William Hobauser, Esq., on behalf of Shearson on April 16, 1992.

HEARING INFORMATION

On September 29, 1992, in Fort Lauderdale, Florida, a hearing lasting two (2) sessions was conducted.

CASE SUMMARY

Claimant alleged that Respondent was liable for breaching the account agreement by recommending an unsuitable investment of Atlantic Financial Federal Savings and Loan Preferred Series A stock for Claimant's self directed IRA.

Respondent denied all allegations of wrongdoing and alleged that: Claimant was kept informed of the decline in the stock's price; Claimant was advised of the risks involved in the purchase of the stock; and, at the time of the purchase, the stock appeared to be a good buy.

Respondent alleged affirmative defenses including: assumption of risk and that Claimant's own actions contributed to his loss.

RELIEF REQUESTED

Claimant requested damages in the amount of \$2,097.50.

Respondent requested dismissal of the claim, plus costs and attorney's fees.

AWARD

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

1. Respondent, Shearson, is found not liable and, therefore, all claims against it are hereby dismissed.
2. Respondent's request for costs and attorney's fees is denied.

OTHER COSTS


The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

FORUM FEES

1. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Arbitrator has assessed forum fees in the amount of \$50.00 (two sessions x \$25.00 per session). Claimant is hereby assessed \$25.00 for which the NASD shall retain the \$25.00 previously deposited in full satisfaction thereof.
2. Respondent, Shearson, is hereby assessed \$25.00 payable to the National Association of Securities Dealers, Inc.
3. The NASD shall retain the \$25.00 non-refundable filing fee previously deposited by Claimant.

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

Arbitrator's Signature


Diane M. Perry, Esq.

Public

Date of Decision:

October 19, 1992