

RELIEF REQUESTED

Claimant, Leroy Simon, Inc. requested \$9,999.90 in actual damage, plus costs attorneys' fees and unspecified punitive damages.

Respondents, Smith Barney, Harris & Co., Inc. and Joel Halpern requested the claims of the Claimant be dismissed and that they be awarded costs.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, William A. Fleck, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on January 4, 1991 and by the Respondent Joel Halpern on January 7, 1991 and by Respondent Smith Barney, Harris Upham & Co., Inc. on January 30, 1992.

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 Leroy Simon, Inc. against Respondents Smith Barney, Harris Upham & Co., Inc. and Joel L. Halpern are dismissed in their entirety.
2. The Claimants request for punitive damages is denied.
3. The parties shall bear their respective costs and attorneys' fees.
4. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant's shall be retained by the NASD, Inc.

AFFIRMATION

I, WILLIAM A. FLECK, 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: June 29th, 1992
Dated by NASD, Inc., July.7., 1992...