

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Wen & James Chih-Ming Chang, Sue-Mei Hwang

vs.

91-04007

Name of Respondents

Shearson Lehman Brothers, Inc.
Nick Cuneo, Jr.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on December 17, 1991, Wen Chang, Sue Mei Hwang and James Chih-Ming Chang, who appeared Pro Se, alleged that Respondents Shearson Lehman Brothers, Inc. and Nick Cuneo, Jr. sold their C.D. without their authorization, and that although they have made attempts to correct this problem, they have been unsuccessful. The Claimants further alleged that the Respondents' failure to correct this unauthorized transaction has caused a loss for which they should be compensated.

Respondents Shearson Lehman Brothers, Inc. and Nick Cuneo, Jr., through their in-house counsel, John P. Bevilacqua, Esq., maintained that the CD was sold because the Claimants wished to transfer their accounts to another firm, and the CDs they held were not transferable. The Respondents further maintained that the CDs were sold on the secondary market, making the transactions commissions free, and that these sales were authorized, therefore the Claimants should not be entitled to any relief.

RELIEF REQUESTED

Claimants Wen Chang, Sue-Mei Hwang and James Chih-Ming Chang requested \$6,000.00 in actual damages, plus \$3,181.70 in interest amounts.

Respondents Shearson Lehman Brothers, Inc. and Nick Cuneo, Jr. requested that the claims of the Claimants be dismissed.

AWARD

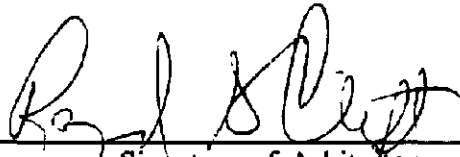
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Raymond S. Clift, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on December 16, 1991 and not signed by the Respondents as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

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 Claimants Wen Chang, Sue-Mei Hwang and James Chih-Ming Chang against Respondents Shearson Lehman Brothers, Inc. and Nick Cuneo, Jr. are dismissed in their entirety.
2. The parties shall bear their respective costs and attorney's fees.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc.

AFFIRMATION

I, **RAYMOND S. CLIFT, ESQ.**, 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: February 10, 1993