

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)

Sharlene Betty Hamilton

vs.

92-01139

Name of Respondent(s)

Dean Witter Reynolds Inc.  
James A. Johnston

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REPRESENTATION

For Claimant: Sharlene Betty Hamilton, San Lorenzo, California

For Respondent Dean Witter Reynolds Inc: Abe Lampert, Esq., Berman, Berkley & Lasky, San Francisco, California

CASE INFORMATION

Statement of Claim filed: April 1, 1992

Claimant's Submission Agreement signed on: March 24, 1992

Statement of Answer filed by Respondent Dean Witter Reynolds Inc.: May 1, 1992

Respondent Dean Witter Reynolds Inc.'s Submission Agreement signed on: May 8, 1992

Respondent James A. Johnston did not file a Statement of Answer and Submission Agreement. At the hearing, the panel of arbitrators was advised that Respondent James A. Johnston passed away.

HEARING INFORMATION

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

Hearing Date/Sessions: September 9, 1992 (two sessions)

Hearing Location: San Francisco, California

### CASE SUMMARY

Claimant alleged that Respondents were not honest with her in helping Claimant select the best investments given Claimant's age and needs. Claimant filed her claim with respect to investments in various limited partnerships.

Respondent Dean Witter Reynolds Inc. alleged that Claimant has set forth no allegations for which any award can be made to her and failed to describe any wrongdoing.

### RELIEF REQUESTED

Claimant requested reimbursement for the value of her original investments in the different limited partnerships, in the amount of \$128,500.00, as follows:

09/30/85	\$20,000	DW Realty Growth Properties LP
10/06/86	\$20,000	DW Realty Growth Properties LP
10/22/86	\$10,000	DW Cowl Bkr Tx Ex Mtg 1
10/23/86	\$20,000	DW Cowl Bkr Tx Ex Mtg 1
01/09/87	\$31,000	DW Realty Income Partners 3
05/08/87	\$ 5,000	DW Realty Income Partners 3
01/04/88	\$ 5,500	DW Realty Income Properties IV
02/21/89	\$17,000	DW Aircraft Income Partners LP

Respondent Dean Witter Reynolds Inc. requested dismissal of Claimant's claims, costs and expenses.

### OTHER ISSUES CONSIDERED & DECIDED

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. Respondent James A. Johnston is dismissed without prejudice pursuant to Section 16 of the Code of Arbitration Procedure.

2. In satisfaction of Claimant's claims, Respondent Dean Witter Reynolds Inc. is liable for and shall purchase from Claimant, the DW Realty Growth Properties limited partnerships costing \$40,000.00.

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 \$750.00 hearing session deposit previously deposited by the Claimant. Forum fees assessed against:

Respondent Dean Witter Reynolds Inc., in the amount of \$1,500.00, calculated as follows: Two hearing sessions times \$750.00/session.

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

ARBITRATION PANEL

Name

Public/Industry

Public Arbitrator  
Public Arbitrator  
Industry Arbitrator

time

DATE SERVED: 09/21/92

  
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Alan M. Stricoff

Date of Decision: 9/16/92