

PUBLIC

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between :

Esther Burstein :

Claimant :

vs. :

Alon R. Winton :

Respondent :  
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CASE #92-01459  
AWARD

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on April 29, 1992, Claimant Esther Burstein, who appeared Pro Se, alleged that Respondent Alon R. Winton made an unsuitable recommendation to purchase 1,000 shares of Sierra Capital Trust VIP for her pension plan, and that the Respondent withheld facts regarding the danger in placing pension money in this Trust.

Respondent Alon R. Winton, who appeared Pro Se, maintained that the Claimant who was a Registered Representative, was not solicited for this business, and that she read prospectuses on various approved investment opportunities, including the Sierra Capital Trust. The Respondent further maintained that no facts were withheld nor was information misrepresented. The Respondent contended that this was a suitable investment considering the Claimant's investment knowledge and net worth, and that she acted as the registered representative in the transaction, receiving full commission.

RELIEF REQUESTED

Claimant Esther Burstein requested \$12,445.00 in actual damages, inclusive of interest.

Respondent Alon R. Winton requested the claims of the Claimant be dismissed.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Sandra L. Malek, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on April 23, 1992 and by the Respondent May 28, 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 Esther Burstein against Respondent Alon R. Winton are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, **SANDRA L. MALEK**, 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.

  
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Signature of Arbitrator

DATE OF DECISION: 6/3/92