

PUBLIC

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Charmaine E. Larsen

92-01526

Name of Respondents

Investment Timing and Research, Inc.
Peter C. Bucchieri

REPRESENTATION

For Claimant: Ronald L. Cheney, Esq.

For Respondents: Grover S. Parnell, Jr., Esq. of the law firm of Davis, Malm & D'Agostine.

CASE INFORMATION

Statement of Claim filed: November 5, 1992.

Claimant's Submission Agreement signed on: March 17, 1992.

Joint Statement of Answer filed by Respondents on: June 29, 1992.

Respondent Investment Timing and Research, Inc.'s Submission Agreement signed on:
May 13, 1992.

Respondent Peter C. Bucchieri's Submission Agreement signed on: May 13, 1992.

HEARING INFORMATION

Hearing Dates/Sessions: April 29, 1993 - Two (2) Sessions

Hearing Location: Boston, MA

CASE SUMMARY

Claimant alleged that the Respondents executed unauthorized trades in her account including

the sale of 435 shares of Gillette common stock; made misrepresentations to the Claimant; persuaded Claimant that the Respondent Bucchieri's investment strategy was consistent with her objective of safety with some income; churned the Claimants' account; breached the fiduciary duty owed to the Claimant by failing to invest her funds in accordance with her investment strategy; initiated and followed trading purchases that were unsuitable for the stated investment objectives of the account, and for a person in Claimant's circumstances; misrepresented what would be done with Claimant's funds if she gave discretionary authority and failed to inform Claimant of the increased costs of frequent trading.

Respondents maintained the losses incurred in Claimant's cash account resulted from her withdrawal of funds for her personal needs and because of downturns in the stock market and stocks owned by Claimant for which neither Respondent is responsible. Respondents further maintained Respondent Peter Bucchieri discussed the risks of the stock market with Claimant and she made the decision to invest one-half of her husband's life insurance proceeds in a stock trading account. Respondents further maintained no unauthorized trades occurred in Claimant's account prior to her signing an investment management agreement and further maintained when a loss occurred in a position in Claimant's cash account Respondents waived any sales commission on the sale to close out the position. Respondents further maintained Claimant was informed at all times of the nature and status of her account including the amount of commissions generated and knew and was promptly advised of each trade in her account and did not seasonably object to those transactions; therefore, she ratified each and every transaction in her account and Claimant is not entitled to multiple, punitive damages or attorneys fees.

RELIEF REQUESTED

Claimant requested: damages of 48,192.09 plus statutory interest at the rate of 12% from June 1, 1991 to June 1, 1993 of 11,566.10 plus costs and attorneys' fees in the sum of 14,300.00.

Respondents requested a dismissal of the Statement of Claim and an award of their costs and disbursements including reasonable attorneys fees.

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. The Respondents Investment Timing and Research, Inc. and Peter C. Bucchieri be and

hereby are liable jointly and severally and shall pay to the Claimant the sum of 8071.82 inclusive of interest.

2. The NASD shall retain all fees submitted by all parties for adjournment fees.
3. Each party shall bear their respective costs including attorneys' fees.

FORUM FEES

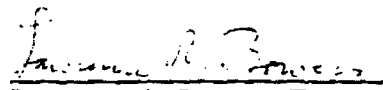
Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed.

2 sessions X \$500.00 = \$1,000 less Claimant's hearing session deposit of 500.00 = net \$500 due.

The Claimant be and hereby is liable and shall pay to the NASD the sum of \$500.00 to represent forum fees.

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

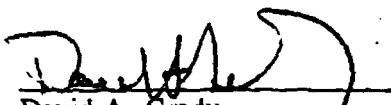
CONCURRING ARBITRATOR SIGNATURE


Lawrence R. Bowers, Esq.

Public Arbitrator


Henry R. Oppenheimer

Public Arbitrator


David A. Grady

Industry Arbitrator

Date of Decision: June 8, 1993