

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimants

Louis Berns and
Evelyn Berns

NASD Arbitration
No.92-01747

Name of Respondents

Jack Halpern
Norma Yaeger
John Barrett
Yaeger Securities

REPRESENTATION

For Claimants: Robert M. Roth, Investors Arbitration Services, Inc., Woodland Hills, California

For Respondent Jack Halpern: Jack Halpern, Van Nuys, California

For Respondents Norma Yaeger, John Barrett and Yaeger Securities: Gregory Sherwin, Esq., Fields, Fehn & Sherwin, Los Angeles, California

For Respondent Norma Yaeger (September sessions only): David Mahler, Yaeger Securities, Encino, California

CASE INFORMATION

Statement of Claim filed: May 27, 1992

Claimants' Submission Agreement signed: May 11, 1992

Statement of Answer filed by John Barrett: July 2, 1992

Joint Statement of Answer filed by Jack Halpern, Norma Yaeger and Yaeger Securities: August 7, 1992

Respondents' Submission Agreements signed:

Jack Halpern: July 31, 1992
Norma Yaeger: July 17, 1992
John Barrett: June 29, 1992
Yaeger Securities: July 17, 1992

HEARING INFORMATION

Pre-hearing conference date / sessions: March 15, 1993 - 1 session
Hearing Dates/Sessions: July 8, 1993 - 2 sessions
July 9, 1993 - 2 sessions
September 9, 1993 - 2 sessions
September 10, 1993 - 2 sessions

Hearing location: Los Angeles, California

CASE SUMMARY

Claimants alleged fraud, breach of fiduciary duty, intentional misrepresentation, failure to supervise, recommending the purchase of limited partnership units and first trust deeds that were unsuitable for Claimants' investment objectives, violations of state and federal securities laws.

Respondents denied all allegations of wrongdoing, and asserted that Claimants were accredited investors with a prior history of investing in direct participation programs, that Claimants had conducted their own due diligence on the limited partnership investment, that Claimants represented their net worth on the limited partnership subscription documents as being in excess of \$1 million, and that Claimants understood the risks of their investment. Respondent Barrett denied any business relationship with Claimants with respect to the investments at issue in this claim.

RELIEF REQUESTED

Claimants requested compensatory damages of \$155,100 plus interest from the date of investment, costs of arbitration, and punitive damages.

Respondents requested dismissal of all claims, and an award of costs of arbitration.

OTHER ISSUES CONSIDERED AND DECIDED

1. Jack Halpern recanted the Statement of Answer filed on his behalf by Fields, Fehn & Sherwin, and then appeared as his own representative without a written response to the Statement of Claim.

2. John Barrett recanted the Statement of Answer filed on his behalf, and adopted the Statement of Answer made by Fields, Fehn & Sherwin, and then appointed Mr. Sherwin of that firm as his representative.

3. Norma Yaeger appointed David Mahler as her representative for the September sessions.

4. The parties have agreed that the Award in this matter may be executed in either 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 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. All claims asserted against Norma Yaeger are dismissed in their entirety.
2. Respondents Jack Halpern, John Barrett and Yaeger Securities are jointly and severally liable for and shall pay to Claimants the sum of \$117,200, plus interest on this sum at the rate of 7% per annum from July 10, 1993 until paid.
3. The Claimants shall retain their interest in the Monarch Point partnership investment, but shall quitclaim and release their rights, title and interest in the other partnership investments which were the subject matter of this arbitration in favor of the person or persons or entity paying the award (as co-tenants, if applicable)
4. The panel finds that Respondents Jack Halpern, John Barrett and Yaeger Securities contributed to the harm done to Claimants in different degrees. The panel allocates responsibility as set forth below solely for the purpose of permitting contribution to the person or persons paying the award:

Jack Halpern	-	20%	(\$23,440.00)
John Barrett	-	40%	(\$46,880.00)
Yaeger Securities	-	40%	(\$46,880.00)

Each amount includes applicable interest.
5. The parties shall each bear their own costs including attorney's fees and representative's fees.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall retain the \$200

non-refundable filing fee, but shall refund the \$750.00 hearing session fee previously deposited by Claimants.

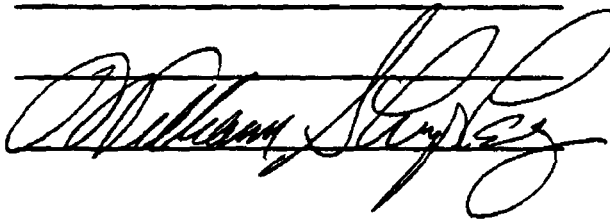
Forum fees of \$6,000.00 (8 sessions @ \$750/session) are assessed against Yaeger Securities.

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

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
Wayne E. Gallop	Public Chairperson
Clifford Schiffer	Public Panelist
William Shipley	Industry Panelist

Concurring Arbitrators' Signatures

 10/19/93

Served 10/26/93