

# PUBLIC

## N.A.S.D. AWARD

### NATIONAL ASSOCIATION OF SECURITIES DEALERS

---

In the Matter of the Arbitration Between

Name of Claimant

John C. Wilson Revocable Living Trust

92-02305

Name of Respondent

Waterhouse Securities, Inc.

---

### CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on July 13, 1992. Claimant John C. Wilson, through his counsel, Philip Armknecht, Esq., of Reese & Armknecht, P.C., Red Oak, Iowa, alleged that Respondent Waterhouse Securities, Inc. failed to sell his investments, consisting of Home Group Senior Subordinate Note 14-875, due 7/15/98 and a debenture in Ambase Corporation due 6/1/99, on a timely basis. The Claimant further alleged that due to the Respondent's delay, he suffered a loss that would not have occurred if his instructions were followed promptly.

Respondent Waterhouse Securities, Inc., through its representative, Robert F.X. Bohrer, maintained that any delay suffered by the Claimant in the sale of his securities was a result of his inability to provide information sufficient to identify the securities he sought to sell and that these securities were registered in a name for which it did not have the needed documentation to sell, and, therefore cannot be held responsible for any losses incurred by the Claimant.

### RELIEF REQUESTED

Claimant John C. Wilson Revocable Living Trust requested \$1,050.00 in actual damages, plus interest and expenses.

Respondent Waterhouse Securities, Inc. requested that the claims of the Claimant be dismissed.

**AWARD**

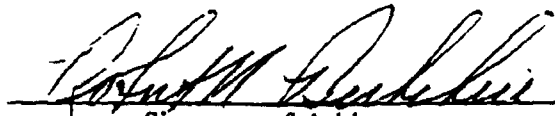
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Robert H. Berkshire, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on August 11, 1992 and by the Respondent on September 11, 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 John C. Wilson Revocable Living Trust against Respondent Waterhouse Securities, Inc. are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

**AFFIRMATION**

I, **ROBERT H. BERKSHIRE, 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:** March 8, 1993