

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

---

In the Matter of the Arbitration Between

Name of Claimants

Herbert L. Bebar & Sara Bebar, Trustees

92-03699

Name of Respondent

Fidelity Brokerage Services, Inc.

---

**REPRESENTATION**

For Claimants, Herbert L. Bebar and Sara G. Bebar, pro se.

For Respondent, Fidelity Brokerage Services, Inc. ("Fidelity"): Kenneth J. McDonald, Esq. of Fidelity

**CASE INFORMATION**

Statement of Claim filed on: October 30, 1992.

Claimant's Submission Agreement signed on: November 23, 1992.

Respondent's statement of Answer filed on: November 18, 1993.

Respondent's Submission Agreement signed on: November 18, 1993 by Kenneth J. McDonald, Esq.

**HEARING INFORMATION**

On June 9, 1993, in Fort Lauderdale, Florida a hearing lasting one session was conducted.

**CASE SUMMARY**

Claimants, alleged that after purchasing one hundred shares of Cemex SA Series B ADR's ("Cemex"), through their account with Respondent, Claimants' monthly statements listed the Cemex shares at over inflated values. Claimants claim they were damaged by the misrepresented prices of the Cemex shares on their monthly

statements which gave a false sense of security regarding their ability to exercise their choice to sell the Cemex stock before it dropped to less than half the value they paid for it.

Respondents, denied all allegations of wrongdoing and alleged that Claimants have not realized a loss on their Cemex shares and that they have incurred only paper losses. Respondents also alleged that the monthly statements sent to Claimants contained a clear notice that the accuracy of the market values used to value the shares were not guaranteed.

#### **RELIEF REQUESTED**

Claimants requested damages of \$1,154.00

Respondent requested dismissal of the Claim.

#### **OTHER ISSUES CONSIDERED & DECIDED**

None

#### **AWARD**

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent, Fidelity is found liable and shall pay to the Claimants the amount of \$674.00, including interest.

#### **OTHER COSTS**

The parties shall each bear their own costs and expenses incurred in connection with this proceeding.

#### **FORUM FEES**

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Arbitrator has assessed forum fees in the amount of \$25.00 pre-hearing conference x \$25.00 plus 1 session X \$25.00.

Award-#92-03699

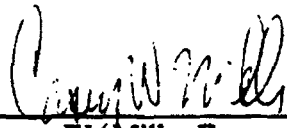
Page 3

1. Claimants are hereby assessed forum fees of \$25.00 for which the NASD shall retain the \$25.00 previously deposited in full satisfaction thereof.

The N.A.S.D. shall retain the non-refundable filing fee of \$25.00 paid by Claimants.

**ARBITRATOR**

**Concurring Arbitrator's Signature**

A handwritten signature in cursive script, appearing to read "Casey W. Mills", is written over a horizontal line.

Casey W. Mills, Esq.  
(Sole Public Arbitrator)

Date of Decision: 7/27/73