

N.A.S.D. AWARD

PUBLIC

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Betty L. Rouse

92-03856

Name of Respondent

Lawrence H. Butler

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on November 16, 1992, Claimant Betty L. Rouse, who appeared Pro Se, alleged that Respondent Lawrence H. Butler of the firm Cruttenden & Co., misrepresented the quality of Appian Technology stock, which she was led to believe was a safe investment. The Claimant further alleged that Respondent Lawrence H. Butler was not honest about this investment and that his recommendation was inappropriate for her, and further that he should be held liable for the loss she has incurred.

Respondent Lawrence H. Butler, who appeared Pro Se, maintained that the Claimant was completely aware of the risk involved, and that she received advice from Don Leverence before making any investment decisions. The Respondent further maintained that the Claimant made three investments, all of equal risk, and has decided that only one, the one that she didn't profit from, is unsuitable.

RELIEF REQUESTED

Claimant Betty L. Rouse requested \$3,085.00 in actual damages.

Respondent Lawrence H. Butler 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, J. Robert Arkush, 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 November 15, 1992 and by the Respondent on January 15, 1993.

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. Respondent Lawrence H. Butler is liable and shall pay to the Claimant Betty L. Rouse \$3,085.00 in actual damages.
2. The parties shall bear their respective costs.
3. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondent Lawrence H. Butler is liable and shall pay \$125.00 to the Claimant as reimbursement.

AFFIRMATION

I, J. ROBERT ARKUSH, 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: June 3, 1993