

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Stephen Young

93-00113

Name of Respondents

Smith Barney Harris Upham & Co., Inc.
Ronald P. Landry

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on January 12, 1993, Claimant Stephen Young, who appeared Pro Se, alleged that Respondent Ronald P. Landry, of the Respondent firm Smith Barney Harris Upham & Co., Inc., misled him into purchasing 100 shares of Centocor stock by predicting that the stock would almost double in value by the end of 1992. The Claimant further alleged that had he been informed of significant negative factors regarding this investment he would not have bought the stock, and that the Respondents should be held liable for the loss he has incurred.

Respondents Smith Barney Harris Upham & Co., Inc. and Ronald P. Landry, through their in-house counsel, Hugh M. McGovern, Esq., maintained that the Claimant was aware of the company's legal problems on the same day he purchased the stock, and that if this information was critical to the Claimant he could have sold the stock that same day. The Respondents contended that the Claimant failed to mitigate his damages, and that they are not responsible for the loss he incurred.

RELIEF REQUESTED

Claimant Stephen Young requested \$3,600.00 in actual damages.

Respondents Smith Barney Harris Upham & Co., Inc. and Ronald Landry 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, Joel J. Bellows, 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 January 7, 1993, by the Respondent Smith Barney Harris Upham & Co., Inc. on March 8, 1993 and by Respondent Ronald Landry on March 5, 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. Respondents Smith Barney Harris Upham & Co., Inc. and Ronald Landry are jointly and severally liable and shall pay to Claimant Stephen Young \$387.50 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. Respondents Smith Barney Harris Upham & Co., Inc. and Ronald Landry are jointly and severally liable and shall pay to the Claimant \$62.50 as reimbursement of one-half of the filing fee.

AFFIRMATION

I, JOEL J. BELLOWS, 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: July 13, 1993