

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of Arbitration Between

Name of Claimant

Theodore F. Wilson

vs.

Case # 93-00391

Name of Respondents

Shearson Lehman Brothers, Inc. and
David Drinan

REPRESENTATION

For Claimant: Joseph P. Carmichael, Esq.

For Respondent: Richelle S. Kennedy, Esq., from the law firm of Bingham, Dana
& Gould.

CASE INFORMATION

Statement of Claim filed: January 30, 1993; Amended on May 20, 1993.
Claimant's Submission Agreement was signed on: May 26, 1992.

Statement of Answer filed by Respondents Drinan and Shearson on April 14,
1993. Amended on June 2, 1993.

Respondent. Shearson Lehman's Submission Agreement was signed on: April 27,
1993.

Respondent. Drinan's Submission Agreement was signed on : April 16, 1993.

HEARING INFORMATION

Hearing Dates/Sessions:	November 3, 1993	-	2 sessions
	November 4, 1993	-	2 sessions

Hearing Location: NASD's offices located at 260 Franklin Street in Boston, Massachusetts.

CASE SUMMARY

Claimant made 36 allegations as to Shearson's and Drinan's treatment of Wilson (Claimant) as a customer, including, among other things: recommending unsuitable investments for one of Wilson's accounts; failure to follow instructions; failure to cooperate in investigation; failure to disclose risks of investments and made material misstatements in connection therewith; failure by Shearson to supervise Drinan.

Respondents alleged that Drinan, as Wilson's broker at all times acted appropriately and in good faith; when all transactions are considered Wilson's account enjoyed a profit; Wilson wanted high income producing investments which were what Drinan recommended, plus a small speculative investment which Wilson wanted to make. Respondent alleged that the income producing investments were supposed to be long term and that it was Wilson who decided to sell them quickly.

RELIEF REQUESTED

Claimant requested \$78,398.00 based upon what the account would have earned if suitable ("well-managed") or \$70,249.00 to make Claimant whole, plus punitive damages.

Respondents requested that the claims be denied and that they be awarded costs and attorneys fees.

AWARD

1. All of Mr. Wilson's claims are dismissed.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following Forum Fees are assessed and shall be borne equally by Claimant and Respondents.

Non-refundable filing fee - \$150.00
Hearing Session Fee - \$500.00 x 4 = \$2,000.00

- 1) Claimant is assessed \$1,075.00. Claimant deposited \$650.00 and owes a balance of \$425.00.
- 2) Respondents are jointly and severally assessed \$1,075.00 in forum fees.

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

ARBITRATION PANEL

Tom L. Peterson, Esq. - Public Chairperson
Tidal B. Henry, Jr., Esq. - Public Panelist
Robert L. Butler - Industry Panelist

Concurring Arbitrator's Signature
Name


Tom L. Peterson, Esq.

Date of Decision: December 16, 1993

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Tom L. Peterson, Esq. - Public Chairperson
Bennett Fisch - Public Panelist
Robert L. Butler - Industry Panelist

Concurring Arbitrator's Signature
Name


Bennett Fisch

Date of Decision: December 16, 1993

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Tom L. Peterson, Esq. - Public Chairperson
Tidal B. Henry, Jr., Esq. - Public Panelist
Robert L. Butler - Industry Panelist

Concurring Arbitrator's Signature
Name

Robert L. Butler
Robert L. Butler

Date of Decision: December 16, 1993