

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

George G. Frederick

93-00453

Name of Respondent(s)

Dean Witter Reynolds Inc.
Kevin Kuhn

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on February 9, 1993, claimant George G. Frederick, who appeared pro se, alleged that Respondents Dean Witter Reynolds, Inc. and Kevin Kuhn failed to properly follow his instructions when he sold all his shares of Johnson and Johnson stock and asked that all the proceeds be used to purchase Motorola. The Claimant further alleged that instead of following his orders, only 65 shares of Motorola were bought and the rest of the proceeds were placed into Dean Witter Sears Liquid Asset fund. Claimant George G. Frederick contended that he should be compensated for the mishandling of his account which has caused him to incur losses.

Respondents, Dean Witter Reynolds, Inc. and Kevin Kuhn, through their in-house counsel, Janet T. Love, Esq., maintained that it followed the Claimant's instructions to purchase \$4,000.00 worth of Motorola stock, and that the additional proceeds were automatically swept in his money market account. The Respondents further maintained that they had no authorization to purchase more Motorola, because the claimant had decided to wait before making a decision. The Respondents contended they committed no wrongdoing and should not be held liable in this matter.

RELIEF REQUESTED

Claimant, George G. Frederick requested \$6,400.00 in actual damages.

Respondents, Dean Witter Reynolds, Inc. and Kevin Kuhn requested that the claims of the Claimant be dismissed.

AWARD

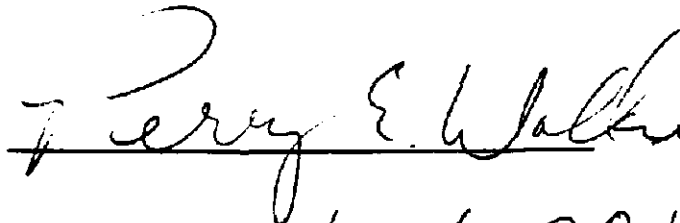
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Perry E. Wallace, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on March 26, 1993 and by the Respondent Dean Witter Reynolds, Inc. on June 1, 1993 and by the Respondent Kevin Kuhn on May 13, 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. The claims of the Claimant George G. Frederick against Respondents Dean Witter Reynolds, Inc. and Kevin Kuhn are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD.

AFFIRMATION

I, **PERRY E. WALLACE**, 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.



Date of Decision:

September 20, 1993

DATED BY THE NASD, INC.: November 1, 1993