

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimants

Gilbert A. & Carolyn H. Wesson

93-01084

Name of Respondent

Dean Witter Reynolds, Inc.

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CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on March 22, 1993, Claimants Gilbert & Carolyn Wesson, who appeared Pro Se, alleged that Respondent Dean Witter Reynolds, Inc., through its representative, Jean Daley, recommended they purchase Security Pacific Preferred bank stock, which they later sold at a loss, although they were assured at the time of purchase that there were no commission charges and they would make eleven percent interest on the investment. The Claimants further alleged that when they sold the stock they were informed that they would not receive the interest they were quoted, nor would they receive eleven percent interest, but only six percent instead. The Claimants contended that this investment, which they were misled into purchasing, did not meet their investment objectives, and that due to the inexperience of their broker and the Respondent's failure to supervise her properly, they have incurred losses for which they should be compensated.

Respondent Dean Witter Reynolds, Inc., through its in-house representative, Ellen Fong, maintained that they Claimants were experienced investors who made informed decisions and maintained control over their account. The Respondent also maintained that this security was suitable at the time of the recommendation and also that the Claimants received dividends while holding this investment. Respondent Dean Witter Reynolds, Inc. contended that any losses allegedly sustained by the Claimants are due to their own decisions to buy and sell Security Pacific, and that the Respondent should not be held liable in this matter.

RELIEF REQUESTED

Claimants Gilbert & Carolyn Wesson requested \$4,477.97 in actual damages.

Respondent Dean Witter Reynolds, Inc. requested that the claim of the Claimants be dismissed.

**AWARD**

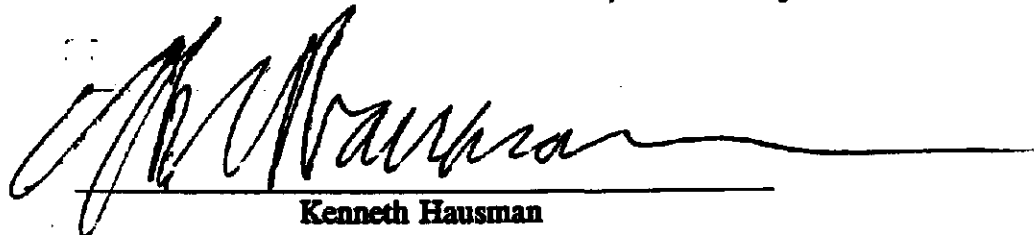
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Kenneth Hausman, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on April 19, 1993 and by the Respondent on June 21, 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 Claimants Gilbert & Carolyn Wesson against Respondent Dean Witter Reynolds, Inc. are dismissed in their entirety.
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 Claimants shall be retained by the NASD, Inc.

**AFFIRMATION**

I, KENNETH HAUSMAN, 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.

  
Kenneth Hausman

DATE OF DECISION: September 13, 1993