

PUBLIC

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Teresita Angela Da Silva

93-01202

Name of Respondent)

Sutro & Co., Incorporated

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on March 29, 1993, Claimant Teresita Angela Da Silva, who appeared Pro Se, alleged that Respondent Sutro & Co., Incorporated, through its representative, Michael Axelrod, sold all of her FNMA's without her consent and placed her in speculative securities such as Franklin Global Opportunity Income Fund and John Hancock Freedom Global Income Fund, which were not suitable considering her investment needs. The Claimant further alleged that had she been placed in safe mutual funds her rate of return would have been higher, and that she should be compensated for losses she has incurred due to the wrongdoing of the Respondent.

Respondent Sutro & Co., Incorporated, through its in-house counsel, Susan K. Freund, Esq., maintained that these investments were and remain appropriate for her primary investment need of investment income. The Respondent further maintained that the Claimant's account has not incurred any realized losses, only market fluctuations, and that she continues to receive monthly income checks reflecting a return of 7 3/4%. Respondent Sutro & Co., Incorporated contended that there has been no misconduct upon which to award damages to the Claimant.

In a rebuttal to the Statement of Answer, Claimant Teresita Angela Da Silva refuted the defenses of the Respondent and contended that due to the decline in market value of her investments, she is entitled to compensation.

RELIEF REQUESTED

Claimant Teresita Angela Da Silva requested \$5,413.00 in actual damages.

Respondent Sutro & Co., Incorporated 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, William Skewes, 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 April 15, 1993 and by the Respondent on May 24, 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 Teresita Angela Da Silva against Respondent Sutro & Co., Incorporated 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, Inc.

AFFIRMATION

I, WILLIAM SKEWES, 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.


William Skewes, Esq.

DATE OF DECISION:

September 20, 1993