

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Andrew and Eleanor Sopko,
Eleanor Sopko Trust

93-01322

Name of Respondents

A.G. Edwards & Sons, Inc.
John R. Shipman

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on April 2, 1993, Claimants Andrew and Eleanor Sopko, who appeared Pro Se, alleged that Respondent A.G. Edwards & Sons, Inc. through its Registered Representative, Respondent John R. Shipman, failed to follow their instructions to purchase tax-free municipal bonds as requested, and instead he bought a mutual fund and several Municipal Income Trusts which was against their intentions. The Claimants further alleged that Respondent John R. Shipman agreed to sell the investments, but upon doing so, they suffered a loss for which the Respondents should be held liable.

Respondents A.G. Edwards & Sons, Inc. and John R. Shipman, through their in-house counsel, Phyllis A. Radovich, Esq., maintained that the Claimant did authorize the purchase Colonial Tax Exempt Trust-FBI Tax Exempt Fund and Eaton Vance High-Yield MuniTrust Florida Tax Free fund, and that they received confirmations for these trades. The Respondents further maintained that two other purchases were inadvertently put into the Claimants' account for which they contacted the Respondents immediately upon receipt of the confirmations; therefore, they would have complained about the other trades had they not been authorized. The Respondents contended that the Claimants contributed to the alleged damages in their account by failing to exercise that degree of care over their investments which a prudent investor would exercise and therefore, they should not be held liable in this matter.

In a reply to the answer, the Claimants refuted the defenses of the Respondents and requested that they be awarded the difference between the purchase and sale price in order to recover their losses.

RELIEF REQUESTED

Claimants Andrew and Eleanor Sopko requested \$1,554.18 in actual damages, plus interest.

Respondents A.G. Edwards & Sons, Inc. and John R. Shipman requested that the claims of the Claimants be dismissed.

AWARD

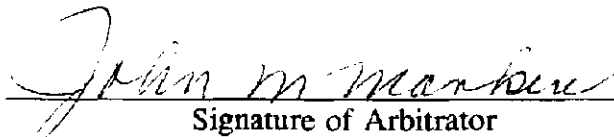
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, John M. Mankin, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on May 4, 1993, by the Respondent A.G. Edwards & Sons, Inc. on June 28, 1993 and by Respondent John R. Shipman on August 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. The claims of the Claimants Andrew and Eleanor Sopko, Eleanor Sopko Trust against Respondents A.G. Edwards & Sons, Inc. and John R. Shipman are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc.

AFFIRMATION

I, JOHN M. MANKIN, 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: October 21, 1993