

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Irvin G. Small, TTEE

93-01399

Name of Respondents

Shearson Lehman Brothers, Inc. n/k/a
Smith Barney Shearson, Inc.
Beatrice Albrecht

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on April 7, 1993, Claimant Irvin G. Small, who appeared Pro Se, alleged that Respondent Shearson Lehman Brothers, Inc., through its registered representative, Respondent Beatrice Albrecht, failed to advise him that the investment she recommended he purchase, SLH Portfolio Tax Exempt Income Fund was a non-transferrable security, and that he was forced to sell the investment at a loss. The Claimant contended that the Respondents should be held responsible for the losses he has incurred, since he would not have followed the Respondents' advice had he been properly informed.

Respondents Shearson Lehman Brothers, Inc. and Beatrice Albrecht, through their in-house counsel Ann Parry, Esq., maintained that they acted at all times in a professional and ethical manner in accordance with all exchange and governmental regulations and that they violated no duties owed to Mr. Small concerning the handling of his account, and that therefore, the Claimant's claims have no merit and should be dismissed.

In a reply to the Statement of Answer, the Claimant refuted the defenses of the Respondents and reiterated that he should be compensated for losses he has incurred due to the wrongdoing of the Respondents.

RELIEF REQUESTED

Claimant Irvin G. Small requested \$1,934.22 in actual damages, plus attorney's fees.

Respondents Shearson Lehman Brothers, Inc. and Beatrice Albrecht requested that the claims of the Claimant be dismissed.

AWARD

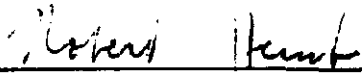
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Robert Herschmann, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on May 20, 1993, by the Respondent Beatrice Albrecht on July 28, 1993 and by the Respondent Shearson Lehman Brothers, Inc. on July 23, 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. Respondents Shearson Lehman Brothers, Inc. and Beatrice Albrecht are jointly and severally liable and shall pay to Claimant Irvin G. Small, Trustee \$895.40 in actual damages.
2. The parties shall bear their respective costs and attorney's fees.
3. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondents Shearson Lehman Brothers, Inc. and Beatrice Albrecht are jointly and severally liable and shall pay \$50.00 to the Claimant as reimbursement of one-half of the filing fee.

AFFIRMATION

I, **ROBERT HERSCHMANN, 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: December 14, 1993