

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Rosalind Siegelman TTEE
U/A DTD 12/31/85

93-01479

Name of Respondent

A.F. Best Securities Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on April 14, 1993, Claimant Rosalind Siegelman, TTEE, who appeared Pro Se, alleged that Respondent A.F. Best Securities, Inc. through its broker, Tom Tarabicos, recommended to her husband, the purchase of Greater Orlando Aviation Authority Bonds which had a "callable" feature they were not made aware of. The Claimant further alleged that although upon discovering this, the broker assured her the bonds would not be called, but they were called, causing a loss for which Respondent A.F. Best Securities, Inc. should be held liable.

Respondent A.F. Best Securities, Inc. through its representative Dennis J. Rosa, CFO, maintained that the Claimant's husband, Arthur Siegelman was an experienced investor and was well aware of call features and how they work. The Respondent also maintained that it never guaranteed that the bonds would not be called, but that in order to keep the Claimant happy, it attempted to find a replacement item, which would allow the Claimant to keep her funds invested at a similar yield. The Respondent contended that the Claimant did not agree to the replacement item and was informed it would take longer to locate a comparable replacement item.

RELIEF REQUESTED

Claimant Rosalind Siegelman, TTEE requested \$809.40 in actual damages.

Respondent A.F. Best Securities, Inc. requested that the claims of the Claimant be dismissed.

AWARD

Pursuant to Section 13 of National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Louise T. Jeroslow, 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 March 29, 1993 and by the Respondent on May 12, 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. Respondent A.F. Best Securities, Inc. is liable and shall pay to Claimant Rosalind Siegelman \$404.70 in actual damages.
2. The parties shall bear their respective costs.
3. The \$30.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondent A.F. Best Securities, Inc. is liable and shall pay \$15.00 to the Claimant as reimbursement of one-half of the filing fee.

AFFIRMATION

I, LOUISE T. JEROSLOW, 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.


Louise T. Jeroslow, Esq.

DATE OF DECISION: August 31, 1993