

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant

Kathleen M. Boyer

NASD Arbitration
No 93-02436

Name of Respondent

Gerald H. Klein

REPRESENTATION

For Claimant: In Pro Se
For Respondent: In Pro se

CASE INFORMATION

Statement of Claim filed: June 22, 1993
Claimants' Submission Agreement signed: August 13, 1993
Joint Statement of Answer filed by Respondent: September 24, 1993
Respondent's Submission Agreement signed: September 24, 1993

HEARING INFORMATION

Hearing Dates / Sessions: May 26, 1994
Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant, Kathleen M. Boyer (Boyer), alleged that Respondent, Jerry Klein (Klein), while acting as her advisor, breached his fiduciary duty to Boyer when he excessively traded her account.

Respondent, denied each and every allegation made by Boyer and asserted that Boyer was aware of the nature of the trading and acquiesced to it.

RELIEF REQUESTED

Claimant seeks to the sum of \$4,900.00, representing commissions paid.

Respondent seeks dismissal of the claim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the original remains on file with the NASD.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Each and every claim of Claimant, Kathleen M. Boyer, against Respondent, Jerry Klein, is dismissed.
2. The parties shall each bear their respective costs and fees.
3. The NASD shall retain the \$100.00 deposit made by the Claimant as an assessment of forum fees.

FORUM FEES

No additional forum fees are assessed.

ARBITRATOR

Name Public / Industry
Herman Friedberg Public Chairperson

Concurring Arbitrator's Signature

