

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Eli Vincent Gaiani

93-02717

Name of Respondents

Shearson Lehman Brothers, Inc. n/k/a
Smith Barney Shearson, Inc.
Dana De Windt

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on July 12, 1993, Claimant Eli Vincent Gaiani, who appeared Pro Se, alleged that Respondent Dana De Windt, through the Respondent firm Shearson Lehman Brothers, Inc. n/k/a Smith Barney Shearson, Inc., misled him into purchasing Principal Growth Mortgage Investors Fund L.P., which was recommended by the Respondents as "The best product to put into a Keogh Plan". The Claimant contended that this investment is now worthless, and that the responsibility for this loss should be borne by the Respondents.

Respondents Shearson Lehman Brothers, Inc. n/k/a Smith Barney Shearson, Inc., and Dana De Windt, in a Joint Statement of Answer, through their in-house counsel, Ann Perry, Esq., maintained that they regret the investment's poor performance, but that this was caused by the collapse of the real estate market and other unforeseeable events, not by any wrongdoing of the Respondents, and that therefore, they should not be held liable in this matter.

RELIEF REQUESTED

Claimant Eli Vincent Gaiani requested \$8,000.00 in actual damages.

Respondents Shearson Lehman Brothers, Inc. and Dana De Windt requested that the claims of the Claimant be dismissed.

AWARD

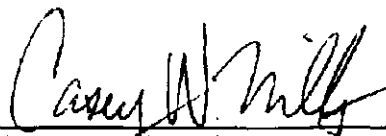
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Casey W. Mills, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on July 19, 1993, by Respondent Shearson Lehman Brothers, Inc. on September 7, 1993 and by Respondent Dana De Windt on August 2, 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 Eli Vincent Gaiani against Respondent Shearson Lehman Brothers, Inc. n/k/a Smith Barney Shearson, Inc. and Dana De Windt 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. Respondent Shearson Lehman Brothers, Inc. n/k/a Smith Barney Shearson, Inc. is liable and shall pay \$75.00 to the Claimant as reimbursement of one-half of the filing fee.

AFFIRMATION

I, CASEY W. MILLS, 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: January 25, 1994