

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimants

Helen E. Aven & Jean Wilde

93-02898

Name of Respondent

Dean Witter Reynolds, Inc.

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**CASE SUMMARY**

In a claim filed with the National Association of Securities Dealers, Inc. on July 26, 1993, Claimants Helen E. Aven & Jean Wilde, who appeared Pro Se, alleged that Respondent Dean Witter Reynolds, Inc., through its registered representative, misled them into investing in Eaton Vance High Income Trust, which was a "Junk Bond" and not suitable for them or in accordance with their primary objective of safety. The Claimants further alleged that at no time were they informed that this investment posed a much higher risk, and that they should have been advised to invest in a safer investment. The Claimants contended that Respondent Dean Witter Reynolds, Inc. should be held liable for the losses they have incurred.

Respondent Dean Witter Reynolds, Inc., through its in-house representative, Elizabeth Pitt, maintained that the investment was suitable at the time it was recommended to the Claimants, and that the Claimants were provided with a prospectus which clearly stated the risks of this investment. The Respondent further maintained that any losses incurred by the Claimants was caused by their own conduct, act or omissions, or the acts or omissions of persons other than the Respondent over whom it has no control. Respondent Dean Witter Reynolds, Inc. contended that it committed no wrong, and therefore, should not be held liable in this matter.

**RELIEF REQUESTED**

Claimants Helen E. Aven & Jean Wilde requested \$8,060.88 in actual damages, plus interest.

Respondent Dean Witter Reynolds, Inc. requested that the claims of the Claimants be dismissed.

**AWARD**

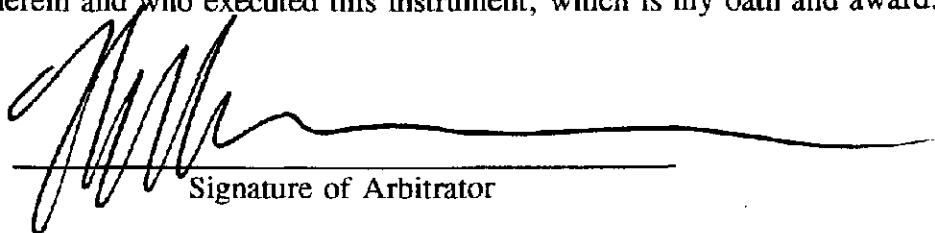
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Kenneth G. Hausman, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on July 19, 1993 and by the Respondent on October 11, 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 Dean Witter Reynolds, Inc. is liable and shall pay to Claimants Helen E. Aven & Jean Wilde \$3,567.28 in actual damages, plus simple interest at the rate of 10% from February 7, 1991 to the date of payment of the Award.
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 Claimants shall be retained by the NASD, Inc. Respondent Dean Witter Reynolds, Inc. is liable and shall pay \$150.00 to the Claimants as reimbursement of the filing fee.

**AFFIRMATION**

I, **KENNETH G. HAUSMAN**, 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 28, 1994