

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Roger Vandergrift

93-03001

Name of Respondents

PaineWebber, Inc.
Gilbert R. Solon

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 3, 1993, Claimant Roger Vandergrift, who appeared Pro Se, alleged that Respondent Gilbert R. Solon, through the Respondent firm PaineWebber, Inc. failed to keep him advised as to the status of GLENFED stock that he had purchased pursuant to Respondent Solon's recommendations. The Claimant contended that since the Respondent advised him to purchase the stock in an unsolicited call, there was an implied responsibility to advise him when conditions changed for the worse. Claimant Vandergrift further contended that he has suffered damages due to the wrongdoing of the Respondents, and that therefore, they should be held liable.

Respondents PaineWebber, Inc. and Gilbert R. Solon, through their in-house counsel, Judy Louie, Esq., maintained that the Claimant received monthly statements which reflected the value of the stock, and also maintained that the Claimant learned of the stock's drop in value in October of 1990, but failed to file a claim until July of 1993, more than three years after the transaction took place, and that therefore, the appropriate limitations to file a claim had expired. Respondents PaineWebber, Inc. and Gilbert R. Solon contended that the stock was rated as "attractive", and although it is unfortunate that it did not recover, the Respondents cannot be held liable in this matter.

RELIEF REQUESTED

Claimant Roger Vandergrift requested \$9,200.00 in actual damages.

Respondents PaineWebber, Inc. and Gilbert R. Solon 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, Delores I. Smith, 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 29, 1993, by the Respondent Gilbert R. Solon on October 20, 1993 and by Respondent PaineWebber, Inc. on October 18, 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 Roger Vandergrift against Respondents PaineWebber, Inc. and Gilbert R. Solon 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.

AFFIRMATION

I, DELORES I. SMITH, 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.

Delores I. Smith, Esq.
Signature of Arbitrator

DATE OF DECISION: March 1, 1994