

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Margaret L. Ibex

93-03402

Name of Respondents

James D. Staymates

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 26, 1993, Claimant Margaret L. Ibex, who appeared Pro Se, alleged that Respondent James D. Staymates sold her an interest in the Damson 1981-82 Oil & Gas Income Fund ("Damson Fund"). Claimant further alleged that she told Respondent she was not interested in risky investments. Claimant contended that the Damson Fund was unsuitable for her. Claimant further contended that Respondent misrepresented to her the value of her investment for many years. Claimant alleged that she was never told that she could lose all or nearly all of her investment. In her response to Respondent's Statement of Answer dated May, 1, 1994, Claimant further alleged that she did not have \$75,000.00 in April, 1982 when she purchased her interest in the Damson Fund. As a result of the above, Claimant contended that she has suffered damages for which the Respondent should be held liable.

Respondent James D. Staymates, who appeared Pro Se, maintained that Claimant's assets exceeded \$135,000.00 at the time she purchased her interests in the Damson Fund. Respondent further maintained that he recommended three investments to Claimant, and explained to her that the three investments had differing degrees of risk. Respondent contended that he explained to Claimant that the Damson Fund was a higher risk choice, and that before her purchase he provided her with a prospectus and explained the risks, objectives and costs of the

investment. Respondent further contended that Claimant has had some capital returned, and has received other distributions since investing in the Damson Fund. As a result of the above, Respondent maintained that he should not be held liable in this matter.

RELIEF REQUESTED

Claimant Margaret L. Ibex requested \$5,000.00 in actual damages, plus interest at the rate a suitable investment would have paid since April 16, 1982, and costs.

Respondent James D. Staymates requested that the Claimant's Statement of Claim be dismissed in its entirety.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single public arbitrator, Sandra Lee Dolan, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on August 19, 1993 and by the Respondent on December 9, 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 Claimant Margaret L. Ibex against Respondent James D. Staymates are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$125.00 filing fee previously deposited by the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

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AFFIRMATION

I, **SANDRA LEE DOLAN**, do hereby affirm upon my oath of 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: August 5, 1994