

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant

Fae D. Anderson

NASD Arbitration

No. 93-03992

v

Name of Respondents

Michael Landfair

Dain Bosworth, Inc.

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**REPRESENTATION**

For Claimant: Robert Rosenthal, Esq. - Opton Galton & Rosenthal - Portland, Oregon

For Respondents: Mark A. Turner, Esq. - Ater Wynne Hewitt Dodson & Skerritt - Portland, Oregon

**CASE INFORMATION**

Statement of Claim filed: October 1, 1993

Claimant's Submission Agreement signed: September 29, 1993

Joint Statement of Answer filed by Respondent at the hearing.

**HEARING INFORMATION**

Hearing Dates / Sessions: June 9, 1994 - Two Sessions

Hearing Location: Portland, Oregon

**CASE SUMMARY**

Claimant, Fae D. Anderson (Anderson), alleged that Respondents Dain Bosworth, Inc. (Dain) and Michael Landfair (Landfair), should have advised her that a specific purchase of real property in Thurston County, Washington, could have been accomplished by means other than withdrawing funds from her IRA account or, alternatively, the Respondents should have advised Anderson to seek professional advise with respect to the transaction.

**RELIEF REQUESTED**

Claimant seeks to recover damages for breach of fiduciary duty, negligence, breach of contract, misrepresentation and violation of the Oregon Unlawful Trade Practice Act.

## 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 arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Each and every claim of Claimant, Fae D. Anderson, against Respondent, Dain Bosworth, Incorporated is dismissed.
2. Each and every claim of Claimant, Fae D. Anderson, against Respondent, Michael Landfair, is dismissed.
3. The parties shall each bear their respective costs and fees, including attorneys' fees.
4. The NASD shall retain all fees and deposits.

### FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure,

The NASD shall retain Claimant's hearing session deposit of \$400.00.

Respondents are jointly assessed the sum of \$400.00, representing fees for one hearing session.

Fees are payable to the National Association of Securities Dealers, Inc.

### ARBITRATORS


#### Name

David J. Sweeney  
Clyde Fahlman  
Philip W. Hauhuth

#### Public / Industry

Public Arbitrator  
Public Arbitrator  
Industry Arbitrator

#### Concurring Arbitrators' Signatures

  
\_\_\_\_\_  
David J. Sweeney

\_\_\_\_\_  
Clyde Fahlman

\_\_\_\_\_  
Philip W. Hauhuth

Date of Decision: \_\_\_\_\_

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Date of Decision: 1-9-94

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Date of Decision: 6-30-94