

**N.A.S.D. AWARD**

**NATIONAL ASSOCIATION OF SECURITIES DEALERS**

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In the Matter of the Arbitration Between

**Name of Claimant(s)**

Tina Lynn Blaisdell

94-00239

**Name of Respondent(s)**

Robert Amico  
Jon Francis McDermott

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**CASE SUMMARY**

In a claim filed with the National Association of Securities Dealers, Inc. on January 21, 1994, Claimant Tina Lynn Blaisdell who appeared Pro Se, alleged that Respondent Jon Francis McDermott of Investors Associates misrepresented the nature of 2,300 shares of International Accuvisions stock and failed to disclose the risks involved in this investment. Claimant Blaisdell further alleged that Respondent McDermott "guaranteed" her "99.9%" that she would be able to "sell it at \$4 per share within 30 days, but only if we got in at this section." Claimant Blaisdell asserted that when she spoke to Respondent Robert Amico she was informed for the first time that the stock was traded in Canadian dollars. Claimant Blaisdell, further alleged that she suffered damages due to Respondents wrongdoing, and therefore should be compensated for her losses.

Respondent Jon Francis McDermott, who appeared Pro Se, maintained that he merely provided his investment experience to Claimant Blaisdell and she made her own decisions to buy or sell. Respondent McDermott further maintained that he never used the word "guarantee" and that Claimant Blaisdell simply attempted to slander him and the firm in order to remove the stop on the account and transfer out. Respondent McDermott contended that Claimant's losses were due to her decisions and the advice of a former broker, therefore, he should not be held liable and the case should be dismissed.

Respondent Robert Amico failed to file an answer to the Statement of Claim.

**RELIEF REQUESTED**

Claimant Tina Lynn Blaisdell, requested \$2,933.06 in actual damages.

Respondent Jon McDermott, requested that the claims of the Claimant be dismissed in their entirety.

Robert Amico failed to file an answer to the Statement of Claim.

### **AWARD**

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Joseph F. Ruh, was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on August 27, 1993 and by the Respondent Jon McDermott on March 30, 1994 but not signed by Respondent Robert Amico as required by Sections 12 and 13 of the NASD Code of Arbitration Procedure.

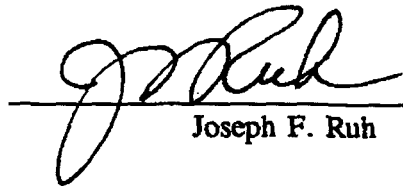
1. In accordance with Section 13 of the NASD Code of Arbitration Procedure, the Respondent Robert Amico, was served by certified mail and given an opportunity to respond, which he failed to do. Service was effected as evidenced by signed return receipt cards on file at the NASD.
2. Pursuant to the By-laws of the NASD, the Arbitrator determined that Respondent Robert Amico had notice of the claim, and was required to submit to this arbitration proceeding; and is, therefore, bound by the arbitrator's ruling and determination.

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 Tina Lynn Blaisdell against Respondents Jon Francis McDermott and Robert Amico are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Tina Lynn Blaisdell, shall be retained by the NASD, Inc. Respondents Robert Amico and Jon McDermott shall each pay \$31.25 to the Claimant as reimbursement for one-half of the filing fee.

**AFFIRMATION**

I, Joseph F. Ruh, 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.

  
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Joseph F. Ruh

DATE OF DECISION: May 9, 1995

STATE OF *New York*

ss:

COUNTY OF *Monroe*

On this *25* day of *April*, 1995, before me personally appeared **Joseph F. Ruh** known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.

  
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**LUANNE CENCI**  
Notary Public in the State of New York  
Monroe County  
My Commission Expires August 31, 19*95*