

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Ben and Bettina Myers

94-00960

Name of Respondents

The Ohio Company
Richard Eastburn

REPRESENTATION

Claimants, Ben and Bettina Myers ("Claimants"), appeared pro se.

For Respondents, The Ohio Company and Richard Eastburn ("Respondents"), appeared James A. Francis, Esq. from The Ohio Company, located in Columbus, Ohio.

CASE INFORMATION

Statement of Claim filed: March 9, 1994.

Claimant's Submission Agreement signed on: March 9, 1994.

Respondent, Ohio Company's Submission Agreement and Statement of Answer filed on May 6, 1994.

Respondent, Richard Eastburn's Submission Agreement and Statement of Answer filed on June 29, 1994.

HEARING INFORMATION

Hearing Dates/Sessions:

February 21, 1995 - 2 sessions

Hearing Location: NASD, 1350 Euclid Avenue, Ste. 650, Renaissance Bldg. on Playhouse Squire, Cleveland, Ohio 44135

CASE SUMMARY

Claimant alleged The Ohio Company and Richard Eastman coerced the Claimants to purchase unsuitable limited partnerships which had the sole effect of generating commissions for Respondent Eastman. Claimants stated that they informed Eastman that their investment goals were to own AAA rated insured bonds for retirement. Claimants alleged that Eastman described Brunner Limited Partnerships #III as safe, income generating suitable investments for Claimants and induced Claimants to sell approximately \$30,000 worth of my AAA rated Insured Bonds in order to invest an additional \$30,000.00 in Brunner Limited Partnerships #III. Claimants stated that the Respondents misrepresented the suitability of the partnerships to their detriment.

Respondents denied all allegations stating that Claimants are experienced investors of tax free municipal Respondent's stated that they invested a great deal of time and effort to assure Claimants fully understood the limited partnerships before investing as well as to keep Claimants informed about the partnerships. Respondents further maintained that Claimants received a prospectus that explained all the details concerning the investment. Respondent stated that the purchase of the limited partnerships was made in Claimant's best interest and not to generate commissions for Respondent Eastman.

RELIEF REQUESTED

Claimants requested damages in the amount of \$65,000.00.

Respondents requested that all claims be dismissed in their entirety and that the forum costs be assessed against the Claimants.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies agreed to receive conformed copies of the Award while the originals remain on file with the NASD.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing and post hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. All claims against Respondent be and hereby are dismissed in their entirety.
2. Each party shall bear their respective costs, including attorney's fees.
3. All other claims be and hereby are denied.
4. Respondent Ohio Company shall bear the expense of all forum fees.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed.

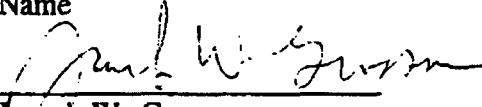
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| Nonrefundable filing fee: | \$ 150.00 |
| Hearing Session Deposit (\$500.00 x 2 sessions) | <u>\$1000.00</u> |
| Total Fees: | \$1150.00 |

1. Claimant paid \$650.00.
2. Respondents be and hereby are jointly and severally liable and shall pay directly to the Claimant the sum of \$650.00.
3. Respondents be and hereby are jointly and severally liable and shall pay to the NASD the sum of \$500.00 representing the outstanding forum fees.

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

Concurring Arbitrators' Signatures

Name


Joseph W. Grossner

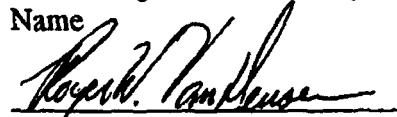
Public/Industry

Public

NASD Date of Decision: April 17, 1995

Concurring Arbitrators' Signatures

Name


Roger W. Van Deusen, Esq.

Public/Industry

PUBLIC

NASD Date of Decision: April 17, 1995

Concurring Arbitrators' Signatures

Name

Robert Shiffra
Robert Shiffra, Esq.

Public/Industry

Date of Decision: April 17, 1995