

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Ronald Tigner

94-01450

Name of Respondent

Smith Barney Shearson, Inc.

REPRESENTATION

Claimant Ronald Tigner ("Claimant") appeared pro se

Respondent Smith Barney Shearson, Inc. ("Respondent") was represented by Scott Almas, Legal Assistant, Smith Barney Shearson, Inc., New York, NY

CASE INFORMATION

Claimant's Statement of Claim was filed April 19, 1994
Claimant's Uniform Submission Agreement was signed April 14, 1994

Respondent's Statement of Answer was filed February 7, 1995
Respondent's Uniform Submission Agreement was signed January 30, 1995

HEARING INFORMATION

Hearing date/sessions: March 8, 1996/one session

Hearing location: NASD Inc.
Washington, D.C.

CASE SUMMARY

Claimant alleged that Respondent induced him to sell three hundred (300) shares of Paramount Communications Inc. ("Paramount") prematurely. Claimant alleged that he purchased the Paramount shares in February 1992 at Respondent's recommendation. Claimant alleged that in September 1993 Respondent informed Claimant of a takeover of Paramount by Viacom, Inc. Claimant alleged that Respondent informed Claimant of a significant risk to Claimant's Paramount stock. Claimant alleged that Respondent failed to inform

Claimant that Respondent was acting as an advisor to Viacom, Inc. on the proposed takeover of Paramount. Claimant alleged that Respondent persuaded Claimant to sell Claimant's Paramount shares for \$3,000.00 less than he should have received. Claimant alleged that the activities of Respondent damaged him.

Respondent denied all allegations of wrong-doing. Respondent maintained that Claimant was an experienced investor and traded securities on both a solicited and an unsolicited basis. Respondent maintained that Claimant purchased Paramount at Respondent's recommendation for \$44 per share in February 1992. Respondent maintained that the takeover of Paramount by Viacom was widely publicized and that Paramount shareholders received a letter informing shareholders of the terms of the cash and stock offer by Viacom. Respondent maintained that Claimant was informed of the potential risk versus possible rewards of the merger. Respondent maintained that Respondent was precluded from disseminating any information to retail clients such as Claimant during the merger transaction by regulations that require establishment of a "Chinese Wall" between retail and investment banking aspects of the brokerage firm. Respondent maintained that Claimant made the decision to sell his Paramount stock in September, 1993 and Claimant realized a significant profit of more than fifty percent on that sale. Respondent maintained that Claimant is not entitled to any damages.

RELIEF REQUESTED

Claimant requested relief in the amount of \$3,000.00.

Respondent requested that the Statement of Claim be dismissed in its entirety.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that a handwritten, signed Award may be entered. In this case, the parties have agreed to receive a conformed copy of the Award while the original remains on file with the NASD.

At the hearing, which was conducted by telephone with the consent of the parties, Claimant Reiterated his Motion to Strike Respondent's Answer and Award Damages based on Respondent's Failure to Timely File Its Answer Pursuant To Section 13 and/or Section 25 of the Code of Arbitration Procedure. After consideration of the testimony of parties pertaining to the Motion, the arbitrator denied Claimant's Motion and determined the parties proceed with the hearing.

AWARD

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

1. Respondent is liable to and shall pay to Claimant \$1,500.00, exclusive of interest.
2. Each party shall bear its own costs and expenses.
3. Any and all relief not specifically addressed herein is denied.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following Forum Fees are assessed:

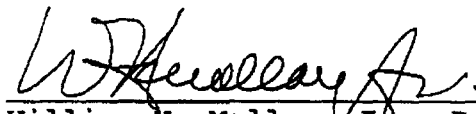
1 Hearing Session x \$100.00 = \$100.00

Forum Fees are assessed in equal amounts against Claimant and Respondent. Respondent is to reimburse Claimant \$50.00 for one-half of the \$100.00 hearing session deposit previously filed with the NASD.

Date

Arbitrator's Signature

3/18/96



William H. Malloy, Jr., Presiding
Public Arbitrator

Date Decision Served by NASD:

March 20, 1996