

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant(s)

Zeilberger Family Revocable Trust
Ernest Zeilberger and Marilyn Zeilberger,
Trustees

NASD Arbitration
No. 94-01872

Name of Respondent(s)

BA Investment Services, Inc.

REPRESENTATION

For Claimant: Ernest Zeilberger, Tarzana, California

For Respondent: Arne D. Wagner, Esq. and Michael J. Halloran,
Esq., Bank of America NT&SA, San Francisco, California

CASE INFORMATION

Statement of Claim filed: May 17, 1994

Claimant's Submission Agreements signed: May 10, 1994 and July 29,
1994

Statement of Answer filed by Respondent: September 13, 1994

Respondent's Submission Agreement signed: September 13, 1994

HEARING INFORMATION

Pre-Hearing Conference Date(s)/Session(s): None

Hearing Date(s)/Session(s): April 11, 1995 (one session)

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant Ernest Zeilberger alleged omission of material facts with respect to his investments in Ginnie Maes. Claimant further alleged that the purchase of Ginnie Maes for his account did not meet with his investment objectives and that Respondent's agent knew that Claimant was only interested in short-term instruments.

Respondent denied any liability to Claimant and alleged that it's agent disclosed to Mr. Zeilberger all pertinent material facts about the investments in Ginnie Maes prior to Mr. Zeilberger's placing the order. Respondent further alleged that at the time of the transaction, Mr. Zeilberger was made aware of the longer-term nature of Ginnie Maes, said he understood, and did not voice any concern about their not being short-term.

RELIEF REQUESTED

Claimant requested damages in the amount of \$9,525.00 plus costs.

Respondent requested dismissal of Claimant's claims, costs, and such other relief as the arbitration panel deems appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in either 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 National Association of Securities Dealers, Inc. (NASD).

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. All claims by Claimant are dismissed.

2. The parties shall each bear their respective costs including attorney's fees.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following forum fees are assessed: The NASD shall refund the \$200.00 hearing session deposit previously deposited by the Claimant. Forum fees are assessed against: Respondent in the amount of \$200.00, calculated as follows: One hearing session times \$200.00/session.

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

PRESIDING ARBITRATOR

Name Public / Industry

Edward Kamenir, Esq.

Public Arbitrator

Presiding Arbitrator's Signature



Edward Kamenir, Esq.

Date Served: 5-4-95

Date of Decision:

Apr 11, '95