

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Carol R. Naoum

95-00529

Name of Respondent(s)

Bear Stearns Securities Corp
Steven D. Wyman
Joseph C. Visconti
Michelle Hutchinson

REPRESENTATION

For Claimant, Carol R. Naoum ("Naoum"):
Carol R. Naoum ("Pro Se").

For Respondents, Steven Wyman ("Wyman"), Joseph Visconti ("Visconti"), Michelle Hutchinson ("Hutchinson") and Bear Stearns Securities Corporation ("BSSC"):
Arnold Levine, Esq. of Joseph Charles & Associates, Inc. in Boca Raton, FL.

CASE INFORMATION

Statement of Claim filed: January 30, 1995.
Claimant's Submission Agreement signed: January 30, 1995.

Respondents', Wyman, Visconti, Hutchinson and BSSC, Joint Statement of Answer filed:
March 20, 1995.

Respondents', Wyman, Visconti and Hutchinson, Submission Agreements signed: March 16,
1995.

Respondent, BSSC, Submission Agreement signed: March 17, 1995 by Mark H. Lehman, Senior
Managing Director, on behalf of BSSC.

HEARING INFORMATION

On November 8, 1995, in Ft. Lauderdale, Florida, a hearing lasting one session was conducted.

CASE SUMMARY

Claimant alleged that Wyman agreed to handle her account personally; that he promised her a 15% return on her investment; that Wyman was advised that Claimant desired only very conservative safe investments; that Wyman and his assistant Hutchinson repeatedly advised Claimant to "hang in there" as her account was declining; that Wyman repeatedly tried to shift responsibility over Claimant's account to other brokers despite his original assurances that he would personally handle Claimant's account as if it was his own mother's money.

Respondents denied all allegations of wrongdoing and alleged that all transactions in Claimant's account were authorized in advance; that Claimant was fully aware of each and every transaction and the nature thereof; that Claimant was at all times in control of her account, and could have but failed to liquidated her account; that the actions of Wyman and Hutchinson were at all times consistent and in compliance with the applicable laws of governing bodies; and, that Claimant knew precisely what she was doing and authorized each and every transaction in advance.

RELIEF REQUESTED

Claimant requested actual damages in the amount of \$25,000.00, punitive damages in the amount of \$3,750, and all costs and expenses incurred in the prosecution of this claim.

Respondents requested that the Claim be dismissed in its entirety, attorneys fees, costs, disbursements and any other such relief the Panel deems appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

(1) Respondent, BSSC, Motion to Dismiss all Claims against them was granted on October 14, 1995.

(2) The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award be entered. In either case, the parties have 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, the arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

- (1) Respondents, Visconti and Hutchinson, are found not liable and, therefore, all claims against them are hereby dismissed.
- (2) Respondent, Wyman, is found liable and shall pay to the Claimant the amount of \$15,500.00 plus interest at the legal rate of 12% per annum from 10/11/94 to 12/31/94 in the amount of \$413.90, plus interest at the legal rate of 8% per annum from 1/1/95 to 11/8/95 in the amount of \$1,059.45, for a total due to the Claimant of \$16,973.35.
- (3) Claimant's requests for punitive damages, costs and expenses are denied.
- (4) Respondents' requests for attorney's fees, costs, expenses and disbursements are denied.

OTHER COSTS

The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including attorney's fees.

FORUM FEES

- (1) Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Panel has assessed forum fees in the amount of \$400.00 (one (1) session x \$400.00).
- (2) Claimant is hereby assessed \$400.00, for which the NASD shall retain the \$400.00 previously deposited in full satisfaction thereof.

(3) The NASD shall retain the non-refundable filing fee of \$100.00 paid by the Claimant.

(4) The NASD shall retain the non-refundable Section 45 surcharge of \$200.00 paid by BSSC.

ARBITRATION PANEL

Arbitrators' Signatures

Name

Public/Industry

151
Mark C. Perry, Esq.

Public/Chairperson

151
Burt R. Rose

Public

151
Gustavus L. Pearthree

Industry

Date of Decision: 11/28/95