

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

---

In the Matter of the Arbitration Between

Name of Claimant

Scott Martone

95-00544

Name of Respondent

Tom Oberle

---

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on February 1, 1995, Claimant Scott Martone, who appeared Pro Se, alleged that Respondent Tom Oberle, of Dean Witter Reynolds, Inc. misled him into purchasing TCW/DW EMO, which he was told would be invested in China and, to a much lesser extent, Latin American Markets. Claimant further contended that he did not receive a prospectus for a few months, and when he did receive information, it showed that most of the EMO stock was invested in Latin America. The Claimant contended that he has suffered damages due to the Respondent's wrongdoing, and therefore, he should be compensated for his loss.

Respondent Tom Oberle, through his representative, Janet T. Epstein, Esq., in-house counsel of Dean Witter Reynolds, Inc., San Francisco, CA, maintained that the EMO investment was not misrepresented to Claimant, and that Claimant received a prospectus with his confirmation. The Respondent also maintained that the Claimant had made an informed decision to purchase shares of EMO and that he bought the shares and continued to hold them as they dropped in price. Respondent Tom Oberle, contended that he committed no wrongdoing, therefore, the Claimant's claims against him should be dismissed.

RELIEF REQUESTED

Claimant Scott Martone, requested \$961.33 in actual damages.

Respondent Tom Oberle, requested that the claims of the Claimant be dismissed.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Robert E. Tobin, was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on January 27, 1995, and by the Respondent on March 30, 1995.

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 Scott Martone, against Respondent Tom Oberle, are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$30.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Scott Martone, shall be retained by the NASD, Inc.

Affirmation

STATE OF N.Y.

} SS:  
}

COUNTY OF NASSAU

I. ROBERT E. TOBIN, do hereby affirm upon my oath  
as arbitrator that I am the individual described in and who executed this instrument,  
which is my oath and award.

Robert E. Tobin  
Signature of Arbitrator

John McGeary

JOHN McGEARY  
NOTARY PUBLIC, State of New York  
No: 01 MC 4683286  
Qualified in Nassau County  
Commission Expires June, 30 1996

DATE OF DECISION:

September 27, 1995