

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Rosalind Mindes

95-00611

Name of Respondent

Griffin Financial Services
Home Savings Of America

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on February 7, 1995, Claimant Rosalind Mindes, who appeared Pro Se, alleged that Respondents Griffin Financial Services ("Griffin") and Home Savings Of America ("HSA"), did not properly handle her IRA. Claimant further alleged that in March of 1993, she reached the age of 70 1/2 and had to begin withdrawing money from her IRA held by HSA which totaled \$44,841.95. Claimant contended that she consulted with an employee of HSA who represented that she could earn a greater return than a CD would produce by investing in mutual funds. Claimant further contended that she was directed to a different area of HSA, where Respondent Griffin maintained an office. Claimant alleged that she spoke to Mr. Bill Michel, an employee of Respondent Griffin, and pursuant to his recommendation she invested \$40,550.00 in the Putnam U.S. Government Bond Fund ("Putnam"). Claimant further alleged that she sold her Putnam investment on January 16, 1995, for \$35,676.16, causing a loss of principal in her IRA for which Respondents should be liable.

Respondent Griffin Financial Services, through its representative and Vice-President, Philip McKinley, Santa Fe Springs, CA, maintained that it acted properly in obtaining sufficient information about the Claimant to make an informed recommendation. Respondent contended that Claimant was properly given all disclosures necessary to make an informed choice prior to her investment. As a result of the above, Respondent maintained that it should not be held liable for Claimant's loss.

Respondent Home Savings Of America, through its representative, Katharine B. Brown, Esq., New York, NY, maintained that at all times it acted properly in regard to Claimant's account and accordingly, should not be held liable.

RELIEF REQUESTED

Claimant Rosalind Mindes, requested \$4,873.84 in actual damages.

Respondent Griffin Financial Services, requested that the claims of the Claimant be dismissed.

Respondent Home Savings Of America, 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, Richard W. Vallario, Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on February 1, 1995 and by the Respondents on March 10, 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 Rosalind Mindes, against Respondents Griffin Financial Services and Home Savings Of America, are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Rosalind Mindes, shall be retained by the NASD, Inc. Respondents Griffin Financial Services and Home Savings Of America are jointly and severally liable and shall pay to the Claimant Rosalind Mindes, \$62.50 as partial reimbursement of the filing fee.

Page
Award

AFFIRMATION

STATE OF NEW JERSEY

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ss:

COUNTY OF ESSEX

I, RICHARD W VALIARIO, 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.



Signature of Arbitrator

DATE OF DECISION: September 11, 1995