

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Peter J. Relson

95-00685

Name of Respondents

A.G. Edwards & Sons, Inc.
Peter S. Lundstedt

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on February 9, 1995, Claimant Peter J. Relson, who appeared Pro Se, alleged that Respondents A.G. Edwards & Sons, Inc. ("A.G.") and Peter S. Lundstedt ("Lundstedt"), failed to execute a sale of securities from his account. Claimant further alleged that during August of 1994, Lundstedt, a representative of A.G., agreed to notify him if his A.G. account value fell below \$35,000.00 so that Claimant would be able to sell everything and close the account. Claimant contended that upon receipt of his next statement, covering August 27, 1994 to November 25, 1994, he noticed that his account balance had declined to \$23,540.51 and he had not been notified of the decline by Respondent Lundstedt. As a result of the above, Claimant alleged that he has suffered a loss for which Respondents should be liable.

Respondents A.G. Edwards & Sons, Inc. and Peter S. Lundstedt, through their representative, Norman S. Buckvar, Esq. ("Buckvar"), St. Louis, MO., maintained that Claimant was a sophisticated and experienced investor in August of 1994, when the events about which he now complains took place. Respondents' representative Buckvar further contended that Claimant never asked Lundstedt to monitor his account and advise him if it declined below \$35,000.00 but rather, agreed to maintain his positions pending a year-end review.* Respondents contended that Claimant's August statement reflects an account value of \$34,574.53 at a time when he alleges Lundstedt agreed to monitor the account and advise him if it declined below \$35,000.00. Respondents further contended that Claimant, being an experienced investor, should have been aware of the fact that brokers do not monitor accounts and that if you want your stocks sold at a given price you place a "stop-loss or limit order" with your broker. As a result of the above, Respondents maintained that they should not be held responsible for Claimant's loss.

* see Report of Arbitrator, attached.

RELIEF REQUESTED

Claimant Peter J. Relson, requested \$10,000.00 in actual damages.

Respondents A.G. Edwards & Sons, Inc. and Peter S. Lundstedt, 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 Youdelman, Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on February 6, 1995, by Respondent A.G. Edwards & Sons, Inc., on April 21, 1995 and by Respondent Peter S. Lundstedt, on April 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. Respondents A.G. Edwards & Sons, Inc. and Peter S. Lundstedt are jointly and severally liable and shall pay to the Claimant Peter J. Relson, \$10,000.00 in actual damages.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Peter J. Relson, shall be retained by the NASD, Inc. Respondents A.G. Edwards & Sons, Inc. and Peter S. Lundstedt are jointly and severally liable and shall pay to the Claimant Peter J. Relson, \$150.00 as reimbursement of the filing fee.

Affirmation

STATE OF ny } SS:

COUNTY OF ny }

I, Robert Yudel, 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 Yudel
Signature of Arbitrator

DATE OF DECISION: September 29, 1995

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REPORT OF ARBITRATOR

* No affidavit or other evidence from Respondent Lundstedt was presented to refute Claimant's allegations.