

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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NASD-ARBITRATION MEDIATION

In the Matter of the Arbitration Between

Name of Claimant(s)/Counter-Respondent

ELMER A. SANDLING

NASD Arbitration No. 95-03101

Name of Respondent(s)/Counter-Claimants

HAGERTY, VAN MOURICK & LOGAN, INC. (now known as
"Hagerty, Stewart & Associates, Inc."), OPTIVEST,
INC. and MARK VAN MOURICK

REPRESENTATION

For Claimant:

Edward Russey, Esq.
Law Offices of Jeff Dennis Ferentz
4921 Birch Street, Suite 110
Newport Beach, CA 92660

For Respondents:

G. Thomas Fleming III
Brian G. Arnold
Jones, Bell, Simpson, Abbott & Fleming
601 S. Figueroa Street, 27th Floor
Los Angeles, CA 90017

CASE INFORMATION

Statement of Claim filed: June 23, 1995

Claimant's Submission Agreement signed: June 23, 1995

Statement of Answer/Counter-Claim Filed by Respondents: Sept. 12, 1995

Respondent's Submission Agreement signed: Sept. 12, 1995

HEARING INFORMATION

Pre-Hearing Conference Date / Session: February 13, 1997 (1 session)

Hearing Dates / Sessions: March 17, 1997 (2 sessions)
March 18, 1997 (1 session)

Hearing Location: Los Angeles, CA

CASE SUMMARY

Claimant alleged claims for breach of fiduciary duty, negligence and fraud in connection with Claimant's investments of \$250,000 in DiVall Insured Income Properties II L.P. on January 17, 1990, and \$245,000 in Colonial Constitution L.P. on June 5, 1992.

RELIEF REQUESTED

Claimant sought rescission or general damages in the amount of \$500,000, interest at the legal rate from January, 1990 until the date of the arbitration award, costs and attorneys' fees.

Respondents sought dismissal of Claimant's claim in its entirety, costs and fees. Respondents further sought indemnification, costs and attorneys' fees from Counter-Respondent Elmer A. Sandling.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agree 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 NASD.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. All claims as against the Respondents, HAGERTY, VAN MOURICK & LOGAN (now known as "Hagerty, Stewart & Associates"), OPTIVEST, INC. and MARK VAN MOURICK, and each of them, are hereby DISMISSED in their entirety.
2. Respondents' counterclaim for indemnity is therefore also DISMISSED.

3. Each side shall bear his or their own costs and attorneys' fees.
4. Claimant and Respondent shall each pay one-half of the NASD's forum fees.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following forum fees are assessed:

One (1) Pre-Hearing Conference @ \$300.00/Session	=	\$ 300.00
<u>Three (3) Hearing Sessions @ \$1,000/Session</u>	<u>=</u>	<u>\$3,000.00</u>
Total Forum Fees Assessed	=	\$3,300.00

Claimant's One-Half Share	=	\$1,650.00
<u>Less Credit for Hearing Session Deposit</u>	<u>=</u>	<u>(\$1,000.00)</u>
Claimant's Balance Due	=	\$ 650.00

Respondents' One-Half Share	=	\$1,650.00
<u>Less Credit for Hearing Session Deposit</u>	<u>=</u>	<u>(\$1,000.00)</u>
Respondents' Balance Due	=	\$ 650.00

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

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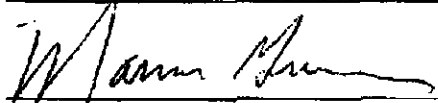
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ARBITRATORS

<u>Name</u>	<u>Public/Industry</u>
Marvin Greene, Esq.	Public Arbitrator
Ian M. Grant	Industry Arbitrator
Leo M. Klein	Public Arbitrator

Concurring Arbitrators' Signatures



Marvin Greene, Esq.

Ian M. Grant

Leo M. Klein

Date of Decision: March 18, 1997

Date of Service: _____

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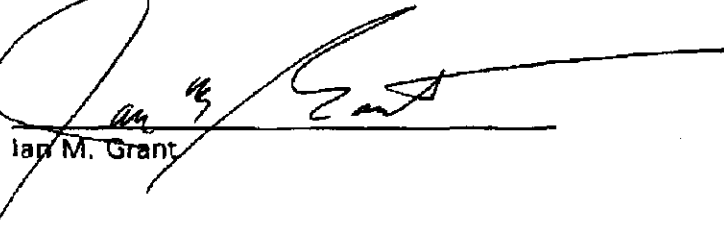
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Ian M. Grant	Industry Arbitrator
Leo M. Klein	Public Arbitrator

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Marvin Greene, Esq.



Ian M. Grant

Leo M. Klein

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Leo M. Klein

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