

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

---

In the Matter of the Arbitration Between

Name of Claimants

Thomas Collier and Jean Buiwitt

95-04353

Name of Respondents

Waterhouse Securities, Inc.,  
Lisa Hachigian

---

**CASE SUMMARY**

In a claim filed with the National Association of Securities Dealers, Inc. on September 12, 1995, with the Claimants Thomas Collier and Jean Buiwitt ("Claimants"), who appeared Pro Se, alleged that they held an account with Respondent Waterhouse Securities Inc. ("WSI"), and that their account representative, Respondent Lisa Hachigian ("Hachigian") was negligent in purchasing the wrong stocks. Claimants Lisa Hachigian further alleged on August 2, 1994, Claimant Thomas Collier ("Collier") called Respondent Hachigian about purchasing stock in Midway Airlines, the airline that Sam Zell had just purchased. Collier contended that Respondent Hachigian failed to notify him that the Midway he was purchasing was not the one owned by Zell, but the one that was in bankruptcy since 1991. Collier further contended that he did not authorize this purchase. Collier alleged that Respondent Hachigian is an experienced broker and should have inquired which Midway Airlines he wanted to buy. Claimants further alleged that Respondent Hachigian caused the wrong purchase to take place through her negligence and as a result of the above, they have suffered a loss for which Respondents should be held liable.

Respondents Waterhouse Securities Inc. and Lisa Hachigian ("Respondents"), through their representative, Robert F. X. Bohrer, First Vice President of Waterhouse Securities Inc., maintained that as a discount brokerage organization, it neither makes recommendations nor provides research services and had no duty to provide Collier with information about Midway's bankruptcy. Respondents further maintained that there was only one Midway Airlines which was publicly traded, therefore there was no reason to ask which "Midway". Respondents contended that at no time while placing the orders did Collier mention the alleged Zell investment as his choice for Midway stock and as a result of the above, they should not be held liable.

**RELIEF REQUESTED**

Claimants Thomas Collier and Jean Buiwitt requested \$1,500.00 in actual damages.

Respondents Waterhouse Securities, Inc. and Lisa Hachigian, requested that the claims of the Claimants Thomas Collier and Jean Buiwitt be dismissed.

**AWARD**

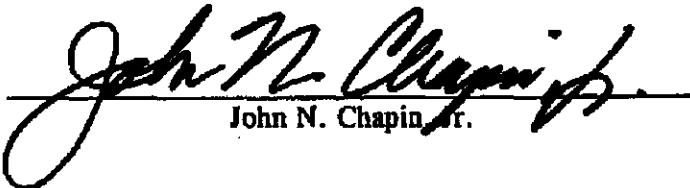
Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure, a single Public Arbitrator, John N. Chapin, Jr., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants Thomas Collier and Jean Buiwitt, on September 6, 1995 and by Respondent Waterhouse Securities Inc., on November 28, 1995 and by Respondent Lisa Hachigian on November 27, 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 Claimants Thomas Collier and Jean Buiwitt, against Respondents Waterhouse Securities Inc., and Lisa Hachigian are denied in their entirety.
2. The parties shall bear their respective costs.
3. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc.
4. All other relief requests are denied.

**AFFIRMATION**

I, JOHN N. CHAPIN, JR., do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.

  
John N. Chapin, Jr.

DATE OF DECISION: March 19, 1996