

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimants

Paul S. Dwan

v.

NASD Arbitration

No.95-04793

Name of Respondents

Bear, Stearns & Company, Inc. and Paul B. Berman

REPRESENTATION

For Claimant:

James Geffner, Esq.
Burbank, California

For Respondents:

John R. Loftus
Keesal, Young & Logan
Long Beach, California

CASE INFORMATION

Statement of Claim filed:	October 11, 1995
Claimant's Submission Agreement signed:	October 4, 1995
Statement of Answer filed by Respondents:	December 5, 1995
Respondent Bear Stearns & Company, Inc. Submission Agreement signed:	December 6, 1995
Respondent Paul B. Berman's Submission Agreement signed:	December 1, 1995

HEARING INFORMATION

Hearing Dates / Sessions:

October 15, 1996 (2 Sessions)

October 16, 1996 (1 Sessions)

Hearing Location:

Los Angeles, California

CASE SUMMARY

Claimant alleged that Respondents breached their fiduciary duty to Claimant, engaged in constructive fraud under California Civil Code, Section 1573 and engaged in negligent misrepresentation. Claimant also alleged that Respondent Bear Stearns breached its duty to properly supervise its agent.

Respondents denied the allegations of wrongdoing found in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested damages of \$130,000.00, pre-judgment interest and costs, and lost profits from the investments. Claimant also requested damages for out of pocket losses, lost interest, margin interest, and commissions. Claimant also requested exemplary and punitive damages.

Respondents requested that all of the Claimant's claims be denied.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed 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 of the Claimant's claims are denied in their entirety.
2. Claimant's claim for punitive damages is denied in its entirety.
3. The Parties shall each bear their respective costs, including attorney's fees.

FORUM FEES

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

Three Hearing Sessions @ \$750.00/Session	=	\$2,250.00
Total Forum Fees Assessed	=	\$2,250.00
Claimants' One-Half Share	=	\$1,125.00
Credit for Hearing Session Deposit	=	\$ 750.00
Claimant's Balance Due	=	\$ 375.00
Respondents' Joint and Several One-Half Share	=	\$1,125.00
Respondents' Balance Due	=	\$1,125.00

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

ARBITRATORS

Name	Public/Industry
William Richardson	Industry Arbitrator
James McKee	Public Arbitrator
Merton Bobo	Public Arbitrator

Concurring Arbitrators' Signatures

William Richardson

James McKee

Merton Bobo

Date of Decision: _____

Date of Service: _____

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Merton Bobo	Public Arbitrator	Bobo

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