

**AWARD**

**NASD Regulation, Inc.,  
Office of Dispute Resolution**

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In the Matter of the Arbitration Between

Paul H. Peck  
Jeannine V. Peck

Claimant(s)

NASD Regulation, Inc.  
No. 96-00898

v.

Smith Barney Inc.

Respondent

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**REPRESENTATION OF PARTIES**

For Claimants: Paul H. Peck, Ellensburg, Washington

For Respondent: Sean Coughlin, Esq., Smith Barney Inc., New York, New York

**CASE INFORMATION**

Statement of Claim filed: February 28, 1996

Claimants' Submission Agreement signed: November 27, 1995

Statement of Answer filed: May 31, 1996

Respondent's Submission Agreement signed: May 29, 1996

**HEARING INFORMATION**

The evidentiary hearing was held in Seattle, Washington, on April 2, 1997, and lasted 2 sessions.

### **CASE SUMMARY**

Claimant alleged misrepresentation and lack of suitability with respect to their investments in limited partnerships. Claimants alleged they were not informed that the distributions from their limited partnership investments included return of capital.

Respondent denied the allegations of the Claim, and stated that the limited partnerships were only part of a larger, diversified, profitable portfolio, and that Claimants were, in fact, suitable investors for the limited partnerships. Respondent stated Claimants' investment objectives were income and growth.

### **RELIEF REQUESTED**

Claimants requested the return of the \$123,000 they invested in limited partnerships.

Respondent requested dismissal of the claims.

### **OTHER ISSUES CONSIDERED & DECIDED**

The parties have agreed to receive copies of the Award while the originals remain on file with NASD Regulation, Inc., Office of Dispute Resolution.

### **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 asserted by Claimants are dismissed in their entirety.
2. The parties shall each bear their respective costs of arbitration, including attorney's fees.

**FORUM FEES**

Pursuant to Section 10332 of the Code of Arbitration Procedure. The NASDR shall retain Claimants' \$200 non-refundable filing fee, and the \$750 hearing session deposit as an assessment of forum fees for 1 session.

**ARBITRATORS**



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Frederic E. Dorkin, Esq.  
Public Arbitrator, Presiding Chair

Dated:

April 9, 1997

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William L Hawes  
Public Arbitrator

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Paul A. Maffeo  
Industry Arbitrator

Date Served: 04/17/97

**FORUM FEES**

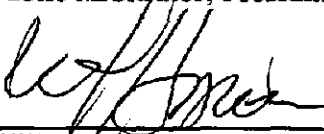
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**ARBITRATORS**

Dated:

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Frederic E. Dorkin, Esq.  
Public Arbitrator, Presiding Chair



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William L. Hawes  
Public Arbitrator

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4/9/97

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Paul A. Maffeo  
Industry Arbitrator

Date Served: 04/17/97

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**ARBITRATORS**

Dated:

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Frederic E. Dorkin, Esq.  
Public Arbitrator, Presiding Chair

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William L Hawes  
Public Arbitrator

*Paul A. Maffeo*  
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Paul A. Maffeo  
Industry Arbitrator

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*April 10, 1997*

Date Served: 04/17/97