

AWARD

NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION

In the matter of the Arbitration Between

Name of Claimant(s)

Jeanette Robinson and

Jeanette Robinson as

Trustee of the Leland P. Robinson and Jeanette W. Robinson

Trust Dated October 2, 1974

v.

Arbitration No.

96-05742

Name of Respondent(s)

Lazar, Frederick & Co.

REPRESENTATION

For Claimant: Vincent DiCarlo, Esq., Sacramento, California

For Respondent: Timothy D. McGonigle, Esq., Ruben & McGonigle, Los Angeles, California

CASE INFORMATION

Statement of Claim filed: December 26, 1996

Claimants' Submission Agreement signed: December 20, 1996

Statement of Answer filed: January 7, 1998

Respondent did not file a Submission Agreement.

HEARING INFORMATION

A pre-hearing telephone conference lasting one session, heard by entire panel, was held

October 13, 1997.

The evidentiary hearing was held in San Francisco, California, on February 19, 1998 and lasted one session.

CASE SUMMARY

Claimants alleged lack of suitability, misrepresentation, fraud, negligence, breach of contract and breach of fiduciary duty with respect to an investment made in May, 1995, in oil and gas limited partnerships known as EPIC I and EPIC II. Claimants further allege that about January, 1996, a letter was sent to them by Respondent stating that the FBI had seized the books and records of the company, suspending distributions from the partnerships.

Respondent denied liability for any losses suffered by Claimants, and states that it had ceased doing business in early 1996.

RELIEF REQUESTED

Claimant requested damages of \$60,374.08, plus punitive damages, interest, costs of arbitration and attorney's fees.

Respondent requested dismissal of all claims.

OTHER ISSUES CONSIDERED AND DECIDED

Although Respondent filed an answer, counsel for Respondent filed a letter the day before hearing stating no appearance at hearing would be made on behalf of Respondent. The exhibits attached to the letter were accepted into evidence on behalf of Respondent by the panel.

The attending party agreed to receive conformed copies of the Award while the originals remain on file with NASDR, Inc.

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. Respondent is liable for and shall pay to Claimants the sum of \$60,374.08 in satisfaction of all claims.

2. Respondent is liable for and shall pay to Claimants the sum of \$250 as reimbursement for the non-refundable filing fee paid to the NASDR, Inc.

3. The claims for punitive damages, other costs and attorney's fees are dismissed.

FORUM FEES

Pursuant to Section 10332 of the Code of Arbitration Procedure, the NASDR shall retain claimants' \$250.00 non-refundable filing fee, but shall refund the \$600 hearing session deposit.

Respondent is assessed forum fees as follows:

1 pre-hearing telephone conference @ \$600/session	\$ 600.00
1 hearing session @ \$600/session	<u>\$ 600.00</u>
Total due:	<u>\$ 1,200.00</u>

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

Concurring Arbitrators Signatures:



Alfred P. Knoll
Presiding Chairperson
Public Arbitrator

Date signed:

2/28/98

Peter H. Daly
Public Arbitrator

Kenneth L. Brown
Securities Industry Arbitrator

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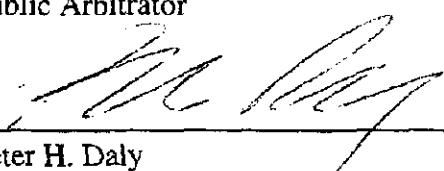
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2/22/98