

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Arlene B. Isaacs, ("Claimant") vs. Smith Barney Shearson, Inc., Robert S. Matthews, and Theodore Tabasso, ("Respondents")

Case Number: 99-00193

Hearing Site: New York, NY

REPRESENTATION OF PARTIES

Claimant, Arlene B. Isaacs, hereinafter referred to as "Claimant" appeared *pro se*.

Respondents, Smith Barney Shearson, Inc. ("Smith Barney"), Robert S. Matthews ("Matthews"), and Theodore Tabasso ("Tabasso") hereinafter collectively referred to as "Respondents": Ann Parry, Esq., First Vice President and Associate General Counsel for Smith Barney, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: January 13, 1999

Claimant signed the Uniform Submission Agreement: January 13, 1999

Statement of Answer filed by Respondents on or about: September 3, 1999

Smith Barney signed the Uniform Submission Agreement: September 3, 1999

Matthews did not sign the Uniform Submission Agreement.

Tabasso signed the Uniform Submission Agreement: October 15, 1999

CASE SUMMARY

Claimant asserted the following causes of action: misrepresentation; unsuitability; negligence; and, failure to supervise.

Unless specifically admitted in its Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: doctrines of ratification, waiver, and estoppel; Claimant failed to state a claim upon which relief may be granted; and, Claimant failed to mitigate damages.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages

\$13,795.41

Interest

unspecified

Respondents requested a judgment dismissing the Statement of Claim in its entirety and that all costs of this proceeding be assessed against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

Matthews did not file with the NASD Regulation, Inc. Office of Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Arbitrator on all issues submitted.

AWARD

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

1. Claimant's claims are hereby denied in their entirety.
2. Upon confirmation of this Award by a court of competent jurisdiction, NASD Regulation, Inc. shall expunge all references to this arbitration from the permanent CRD records of Respondent Matthews.
3. All other requests for relief are hereby denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 75.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated persons at the time of the events giving rise to the dispute. In this matter, Smith Barney Shearson, Inc. is a party.

Member surcharge = \$ 400.00

Forum Fees and Assessments

The Arbitrator assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with a single arbitrator x \$300.00 = \$ 600.00

Pre-hearing conferences: November 2, 1999 1 session

December 9, 1999 1 session

One (1) Hearing sessions x \$300.00 = \$ 300.00

Hearing Date: February 1, 2000 1 session

Total Forum Fees = \$ 900.00

The Arbitrator has assessed \$1,200.00 of the forum fees against Smith Barney.

Fee Summary

1. Claimant be and hereby is solely liable for:

Initial Filing Fee = \$ 75.00

Total Fees = \$ 75.00

Less payments = \$ 100.00

Refund Due Claimant = \$ 25.00

2. Smith Barney be and hereby is solely liable for:

Member Fees = \$ 400.00

Forum Fees = \$ 900.00

Total Fees = \$1,300.00

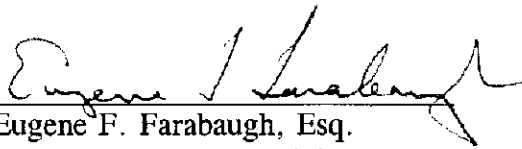
Less payments = \$ 400.00

Balance Due NASD Regulation, Inc. = \$ 900.00

All balances are due and payable to NASD Regulation, Inc.

Arbitrator's Signature

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.


Eugene F. Farabaugh, Esq.
Public Arbitrator, Presiding Chair

March 1, 2000
Signature Date

March 8, 2000
Date of Service (For NASD office use only)