

AWARD

**NASD REGULATION, INC.,
OFFICE OF DISPUTE RESOLUTION**

In the matter of the Arbitration Between

Name of Claimants

Maxwell Kaplan and Patricia Kaplan

v.

NASD Regulation, Inc.
Arbitration No. 96-00454

AWARD = \$487,500

Name of Respondents

Monterey Bay Securities, Inc.,
Robert Blanchard, Kenneth Doolittle,
Walter Hickey, and Mitchell Brater

REPRESENTATION

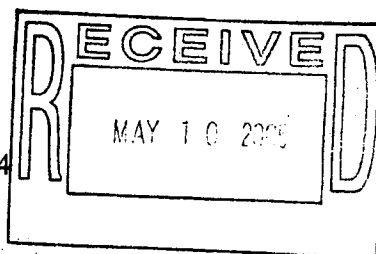
For Claimants:

Irwin Stein
Investor Recovery Service
Novato, California

For Respondents Monterey Bay Securities, Inc.
and Kenneth Doolittle:

John Bender, Esq.
Weiss, Jensen, Ellis & Howard
Portland, Oregon

Pacific Exchange, Inc.
115 Sansome Street
San Francisco, CA 94104



In The Matter of The Arbitration Between:

Suzanne Rickwal

Claimant

PCX Case # 02-S055

v.

DECISION

Salomon, Smith Barney; Ernest M. Back;
Gerald R. Maestu; Lee Beattie

Respondents

**AWARD = \$251,665
Plus \$50,000 Punitive**

The undersigned Arbitrators, having read and considered the Claim submitted by Claimant and the Answer of Respondents, and having considered evidence presented at hearings on January 25, 26, 27, March 21, and April 18, in the year 2005, hereby render the following Decision pursuant to Pacific Exchange Rule 12:

REPRESENTATION OF PARTIES

Of Claimant:

Irwin G. Stein, Richard Sacks (Law Offices of Timothy Canning)

Of Respondents:

Julie L. Taylor, Esq., Darrell C. Martin, Esq. (Keesal, Young & Logan)

SUMMARY OF FACTS

Claimant's allegations: that she opened an account with Respondent Salomon, Smith Barney ("SSB") with securities worth approximately \$350,000 that she had acquired from a predecessor (twice removed) of US Web as payment for services. (US Web became MarchFirst following a merger but is referred to throughout as US Web). Claimant agreed with Respondent Back to follow a "collar strategy" recommended by him which purportedly would limit her risk in this concentrated position, yet allow her to earn income. (*"A collar" consists of buying a put option to fully protect the downside risk in a stock position (below the strike price level) and selling a covered call option to either partially or completely finance the cost of the put.* See Respondents' Exhibit 4) She subsequently lost her entire investment and the funds in her IRA, and was assessed a tax liability by the IRS on the early withdrawal from her IRA.

AWARD = 239,000

NATIONAL ASSOCIATION OF SECURITIES DEALERS AWARD

In the Matter of the Arbitration Between

DAVID F. MOSER, BEATRICE MOSER,
EARL HEITZMAN, ETHEL HEITZMAN,
CATHY KIMBALL and THOMAS KIMBALL,

Claimants,

v.

94-05028
NASD No. 94-28

SECURITIES WEST, INC., PHILLIP ANTON,
JOSEPH ANTON, LAWRENCE DUCHENE and
FRANK DETTENREIDER,

Respondents.

Representation

For Claimants: Richard Sacks of Investors Recovery Service, Novato, California and James Sullivan, Esq., San Francisco, California

For Respondent Frank Dettenreider (Dettenreider): L. Louis Raring of Raring and Lipoff, Costa Mesa, California

For Respondents Securities West, Inc., (SWI) Phillip Anton, (P. Anton) Joseph Anton (J. Anton) and Lawrence Duchene (Duchene): David Banerjee, of RND Resources, Inc., Encino, California

Case Information

Statement of Claim filed: December 28, 1993

Claimants' Submission Agreement signed: David Moser - December 8, 1993,
Earl Heitzman - November 1, 1993, Ethel Heitzman - November 1, 1993, Thomas Kimball
and Cathy
Kimball - November 8, 1993.

Statement of Answer filed on: Dettenreider - April 20, 1994,
Statement of Answer of all other Respondents - April 22, 1994

AWARD = \$100,000

Plus \$100,000 Punitive

AWARD

NASD REGULATION, INC.

In the matter of the Arbitration Between

Name of Claimant

Mary D. Birch

v.

Arbitration No.
98-02244

Name of Respondent

Titan Value Equities Group, Inc.,
Margaret Dawn Boland, and
Ronald Harland Berg

REPRESENTATION

For Claimant:

Irwin Stein, Esq.
Law Offices of James J. Sullivan
Novato, California

For Respondent:

Margaret Dawn Boland

No Appearance

CASE INFORMATION

Statement of Claim filed:

June 19, 1998

Claimant's Submission Agreement signed:

May 15, 1998

Joint Statement of Answer filed by
Respondents Titan Value Equities Group, Inc.,
and Ronald Harland Berg:

October 19, 1998

Statement of Answer filed by
Respondent Margaret Dawn Boland:

None Filed

AWARD = \$194,596

Award NASD Dispute Resolution

In the Matter of the Arbitration Between:

Kenneth Emery and Marjorie Emery, Claimants v. Prudential Securities Inc. (n.k.a. Prudential Equity Group, LLC), Michael J. Corley and Charles J. McFadden, Respondents

Case Number: 03-07544

Hearing Site: San Francisco, California

Nature of the Dispute: Customer v. Member and Associated Persons

REPRESENTATION OF PARTIES

For Claimants:

**Richard Sacks
Irwin Stein
Law Offices of Timothy A. Canning
Novato, California**

For Respondents:

**Charles B. LaChaussee, Esq.
Prudential Equity Group
San Francisco, California**

CASE INFORMATION

Statement of Claim filed: October 20, 2003

Claimants' Joint Uniform Submission Agreement signed: October 13, 2003

Joint Statement of Answer by Respondents received: January 12, 2004

**Respondent Prudential Securities Inc.'s ("Prudential") Uniform Submission Agreement signed:
January 8, 2004**

**Respondent Michael J. Corley's ("Corley") Uniform Submission Agreement signed: January 9,
2004**

**Respondent Charles J. McFadden's ("McFadden") Uniform Submission Agreement signed:
December 22, 2003**

AWARD = \$188,423

Award NASD Dispute Resolution

In the Matter of the Arbitration Between:

Edwin Lingsch, Trustee, Lingsch Family Trust, Claimant v. Couch & Company, Incorporated,
Raymond McKayle, Anthony Joe Radicone, Nancy Louden Couch and Philip Jay Horowitz,
Respondents

Case Number: 01-03759

Hearing Site: San Francisco, California

REPRESENTATION OF PARTIES

For Claimant:

Irwin Stein
Timothy A. Canning
Novato, California

For Respondent Couch & Company, Incorporated:

Monroe E. Singer
Couch & Company, Incorporated
New York, New York

For Respondent Raymond McKayle:

Raymond McKayle
Brooklyn, New York

For Respondent Anthony Joe Radicone:

Anthony Joe Radicone
Staten Island, New York

For Respondent Nancy Louden Couch:

Nancy Louden Couch
Houston, Texas

For Respondent Philip Jay Horowitz:

Philip Jay Horowitz
New York, New York

CASE INFORMATION

Statement of Claim filed on or about: July 9, 2001

Claimant's Uniform Submission Agreement filed on or about: July 9, 2001

Joint Statement of Answer of Respondents Thomas McDonald Couch, Jr., Anthony Joe Radicone
("Radicone") and Nancy Louden Couch ("N. Couch"), filed on or about: January 3, 2002

AWARD = \$187,054 + Interest

Award NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Dickson Ng, Claimant vs. Stratton Oakmont, J.B. Oxford and Company, Jordan R. Belfort, Kenneth S. Greene, Daniel M. Porush and Frank A. Riccuiti, Respondents.

Case Number: 98-03003

Hearing Site: San Francisco, CA

REPRESENTATION OF PARTIES

Claimant, Dickson Ng (hereinafter referred to as "Claimant"): Richard Sacks, Investors Recovery Service, and James J. Sullivan, Esq., Law Offices of James J. Sullivan, 2 Commercial Blvd., Suite 203C, Novato, CA 94949.

Respondent, J.B. Oxford and Company (hereinafter referred to as "JBO"): Jeffrey S. Kob, Esq., Miller, Milove & Kob, The Koll Center, 501 West Broadway, Suite 720, San Diego, CA 92101.

CASE INFORMATION

Statement of Claim filed on or about: August 19, 1998

Claimant signed the Uniform Submission Agreement: May 18, 1998

Statement of Answer filed by Respondent, JBO, on or about: December 17, 1998

Respondent, JBO, signed the Uniform Submission Agreement: April 16, 1999

CASE SUMMARY

Claimant asserted the following causes of action: Securities fraud, misrepresentation, breach of fiduciary duty, and violations of federal securities laws. The causes of action relate to securities transactions made or supervised by individual Respondents who were employed by Respondent Stratton Oakmont, and subsequently cleared by Respondent JBO.

Unless specifically admitted in its Answer, Respondent JBO denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant failed to state a cause of action; the claims are barred from recovery by waiver, laches, estoppel, ratification, unclean hands, *in pari delicto*, and by the applicable statute of limitations; any damages Claimant may have sustained were due to market conditions or parties other than JBO; Claimant failed to mitigate and allege fraud with particularity; Claimant is not entitled to punitive damages or attorney's fees; no private right of action exists for alleged violations of NASD or exchange rules and; a covenant of good faith and fair dealing did not exist between Claimant and JBO.

AWARD = \$175,000

Award NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Margaret Patterson As Trustee For Margaret Patterson Trust dtd 11/28/88, Claimant vs. Gary Lee Anderson, Respondent.

Case Number: 98-02008

Hearing Site: San Francisco, California

REPRESENTATION OF PARTIES

Claimant, Margaret Patterson As Trustee For Margaret Patterson Trust dtd 11/28/88, hereinafter referred to as "Claimant": Richard Sacks and James J. Sullivan, Esq., Novato, California

Respondent, Gary Lee Anderson, hereinafter referred to as "Respondent": John G. Vasil, Esq., Campbell, California

CASE INFORMATION

Statement of Claim filed on or about: June 1, 1998

Claimant, Margaret Patterson As Trustee For Margaret Patterson Trust dtd 11/28/88, signed the *Uniform Submission Agreement*: March 27, 1998

Statement of Answer filed by Respondent, Gary Lee Anderson, on or about: September 15, 1998
Respondent, Gary Lee Anderson, signed the *Uniform Submission Agreement*: September 10, 1998

CASE SUMMARY

Claimant alleged that Claimant's investment objectives at all times, and in particular the previous six years prior to claim filing, have always been for conservatively structured income and growth investments. Claimant further alleged that the dispute giving rise to Claimant's Claim is based upon fraudulent representations concerning the safety, liquidity and conservative structure of those investments, primarily limited partnerships purchased by Claimant. Claimant further alleged that included with such misrepresentations were fraudulent concealment of these partnerships financial problems, along with ongoing concealment of their declining values. Claimant also alleged NASD Rule Violations.

Respondent denied Claimant's allegations of wrongdoing and denied any liability to Claimant. Respondent alleged that dissatisfaction with portfolio performance does not mean that the purchase of the investments was induced by fraud or misrepresentation. Respondent further alleged that Claimant's Claim is blatantly erroneous, misleading and contains gross exaggerations.

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between

Names of Claimants

Oscar L. Berry, Jr.
Susan B. Berry
Drs. Berry & Kalmbach APC Defined Benefit Plan
R/O FBO Oscar L. Berry, Jr. MD UAD 1/1/84 and
The Women's Clinic 401K FBO Oscar L. Berry TTEE

Case No. 97-01491

Names of Respondents

Warren Joseph Stassi
Debra Haywood
James McCurry
Joseph Biedenharn
Samuel Rubin
Uwe Schmidt
Rudolph Miksa
Richard Herschel Harter
William Powdrill III

REPRESENTATION OF PARTIES

For Claimants Oscar L. Berry, Jr., Susan B. Berry, Drs. Berry and Kalmbach APC
Plan R/O FBO Oscar L. Berry, Jr. MD UAD
L. Berry TTEE, hereinafter collectively re
Novato, California.

AWARD = \$150,000

For Respondents Samuel Rubin ("Rubin") and Rudolph Miksa ("Miksa"): Robert G. Foley,
Esq., Monroe, Louisiana.

For Respondent Joseph Biedenharn ("Biedenharn"): W.L. West, Esq. of the law firm of
Lemle & Kelleher, L.L.P., New Orleans, Louisiana.

For Respondent William Powdrill III ("Powdrill"): James H. Askew, Esq., Shreveport,
Louisiana.

For Respondent Herschel R. Harter ("Harter"): George Denegre, Jr., Esq. of the law firm
of Liskow & Lewis, New Orleans, Louisiana.

For Respondent Uwe Schmidt ("Schmidt"): Robert G. Foley, Esq., Monroe, Louisiana until

Award
NASD Dispute Resolution

COPY

In the Matter of the Arbitration Between:

William McGeever and Evelyn McGeever, Trustees of the William E. & Evelyn J. McGeever Living Trust DTD 12/15/98, Claimant v. UBS Financial Services Inc., Michael E. Hack and James H. Ross, Respondents

Case Number: 03-01655

Hearing Site: San Francisco, California

Nature of the Dispute: Customer vs. Member and Associated Persons

REPRESENTATION OF PARTIES

For Claimant:

AWARD = \$150,000
California

For Respondents:

Eric G. Wallis, Esq.
Reed Smith LLP
Oakland, California

CASE INFORMATION

Statement of Claim filed: March 6, 2003

Claimant's Arbitration Brief filed: April 15, 2005

Claimant's Uniform Submission Agreement signed: February 4, 2003

Joint Statement of Answer filed by Respondents UBS Financial Services Inc. fka UBS Paine Webber Inc. ("UBS"), Michael E. Hack and James H. Ross: May 15, 2003

Respondents' Hearing Brief filed: April 14, 2005

Respondent UBS's Uniform Submission Agreement signed: May 17, 2003

Respondent Michael E. Hack's Uniform Submission Agreement signed: May 7, 2003

Respondent James H. Ross' Uniform Submission Agreement filed: May 19, 2003

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AWARD

NASD Regulation, Inc. Office of Dispute Resolution

National Association of Securities Dealers Inc.

In the Matter of the Arbitration Between

Name of Claimant

1996

Douglas A. Lapins and Virginia H. Lapins

All Rights Reserved

and

95-05000

Name of Respondent

**AWARD = \$260,000
Plus Interest**

*Titan Value Equities Group, Inc.
Richard W. Rogers
Susan Rogers

REPRESENTATION OF PARTIES

Douglas A. Lapins and Virginia H. Lapins ("Claimants") were represented by James J. Sullivan, Esq., San Francisco, California.

Titan Value Equities Group, Inc. ("Respondent Titan"), Richard W. Rogers ("Respondent") and Susan Rogers ("Respondent") were represented by Brett Marshall Godfrey, Esq. and Richard Arnsperg Nervi, Esq., Godfrey & Associates, Denver, Colorado.

CASE INFORMATION

The Statement of Claim was filed on or about October 23, 1995. Submission Agreement of Claimants Douglas A. Lapins and Virginia H. Lapins was signed on August 21, 1995.

Statement of Answer was filed by Respondents Titan Value Equities Group, Inc., Richard W. Rogers and Respondent Susan Rogers on or about January 12, 1996.

HEARING MATION

A pre-hearing conference was held on August 5, 1996 for one (1) session, August 7, 1996 for one (1) session, and August 19, 1996 for one (1) session with Edmund Epstein, Esq., presiding.

The hearing was held on August 20, 1996 for one (1) session, October 30, 1996 for one (1) session, October 31, 1996 for two (2) sessions and November 1, 1996 for three (3) sessions in Denver, Colorado for a total of three (3) pre-hearing and six (6) hearing sessions.

AWARD = \$143,925

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Gary Rulli

NASD Arbitration
No. 92-03621

Name of Respondents

Atlanta-One, Inc.
Brian Moore
Paul Courtright
Mark Piskura

REPRESENTATION

For Claimant: Richard Sacks, Investors Recovery Service

For Respondent: Robert L. Conn, Esq. - Newport Beach, California

CASE INFORMATION

Statement of Claim filed: October 26, 1992

Claimant's Submission Agreement signed: October 20, 1992

Joint Statement of Answer filed by Respondents: December 11, 1992

Respondent, Atlanta-One, Inc.'s Submission Agreement signed: November 20, 1992

Respondent, Brian R. Moore's Submission Agreement signed: November 20, 1992

AWARD = \$140,000

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant(s)

L. James Newman

NASD Arbitration

No. 95-05076

Name of Respondent(s)

Allen B. Berman
Berman & Stickel, Inc.
Mark S. Stickel
Susette Stickel
Linda Olson
Mitchell Brater

REPRESENTATION

For Claimant: Richard Sacks and Irwin G. Stein, Investors Recovery Service, Novato, California

For Respondents Allen B. Berman, Berman & Stickel, Inc., Mark S. Stickel, Susette Stickel and Linda Olson: John A. Bender, Jr., Esq., Weiss, Jensen, Ellis & Howard, Seattle, Washington

For Respondent Mitchell Brater: No Appearance at Hearing.

CASE INFORMATION

Statement of Claim filed: October 24, 1995

Claimant's Submission Agreement signed: August 22, 1995

Joint Statement of Answer filed by Respondents Berman & Stickel, Inc., Allen B. Berman, Mark S. Stickel, Susette Stickel and Linda Olson: January 16, 1996

AWARD = \$137,750

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Jean L. Brunning

NASD Arbitration
No. 92-00879

Name of Respondents

Securities West, Inc.
Daniel R. Licon

REPRESENTATION

For Claimant: Richard Sacks

For Respondent: Shannon L. McJougald - Kessal Young & Logan

CASE INFORMATION

Statement of Claim filed: March 12, 1992

Claimant's Submission Agreement signed on: February 18, 1992

Statement of Answer filed by Respondent, Securities West, Inc. on: May 29, 1992

Respondent, Securities West, Inc.'s Submission Agreement signed on: May 28, 1992

HEARING INFORMATION

Pre-Hearing Conference: None

Hearing Date/Sessions: October 1, 1992 - Two Sessions

Hearing Location: San Francisco, California

CASE SUMMARY

Claimant, Jean L. Brunning (Brunning) alleged that Respondent, Daniel R. Licon (Licon), while employed by Respondent, Securities West, Inc., sold Brunning a \$95,000.00 interest in a limited partnership. It was alleged that the sale was unsuitable for Brunning and was accomplished by misrepresentations made to Brunning by Licon.

Respondent, Securities West, Inc., alleged that Licon was an independent contractor and a registered representative with Securities West at the time the transaction was made. However, it is alleged that Securities West was not at any time involved in the transaction at issue and made no representations to the claimant regarding it.

AWARD = \$125,000

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant

Lingsch Family Trust
Edwin & Ann Lingsch, Trustees

NASD Arbitration
No. 93-00941

Name of Respondents

Gruntal & Co., Inc.
Scott R. Udine
Lyle Gary
Frank Napolitano
Tom Connell

REPRESENTATION

For Claimant: Richard Sacks - Investors Recovery Services

For Respondents: W. Reece Bader, Esq. - Orrick Herrington & Sutcliffe - New York, New York

CASE INFORMATION

Statement of Claim filed: March 12, 1993

Claimant's Submission Agreement signed: February 16, 1993

Statement of Answer filed by Respondents: July 6, 1993

Submission Agreement signed by Respondent, Thomas J. Connell on July 6, 1993

Submission Agreement signed by Respondent, Scott Udine on July 1, 1993

Submission Agreement signed by Respondent, Lyle Gary on July 1, 1993

