

**Award**  
**NASD Dispute Resolution, Inc.**

---

In the Matter of the Arbitration Between:

Leslie Rosenquist, Claimant v. Miles James Ennis, III, Peter Kolbjorn Tenfjord, Michael Hans Weston, and Tradeway Securities Group, Inc., Respondents

Case Number: 00-00505

Hearing Site: San Diego, California

---

**REPRESENTATION OF PARTIES**

For Claimant:

Richard Bryson, Esq.  
Attorney at Law  
San Diego, California

For Respondents:

Scott M. Kolod, Esq.  
Darlene R. Kowalczyk, Esq.  
Kolod Wager Law Offices LLP  
San Diego, California

**CASE INFORMATION**

Statement of Claim filed: February 4, 2000

Claimant's Uniform Submission Agreement signed: January 21, 2000

Joint Statement of Answer filed by Respondents: May 4, 2000

**CASE SUMMARY**

Claimant alleged breach of contract, breach of fiduciary duty, negligence, breach of implied covenant of good faith and fair dealing, churning, fraud, misrepresentation, unauthorized transactions, charging excessive commissions and/or fees, negligent hiring, negligent supervision, unjust enrichment, conversion, constructive trust, controlling person liability, breach of third party beneficiary contract, and aiding and abetting.

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

### **RELIEF REQUESTED**

Claimant requested \$475,000.00 in compensatory damages, \$1,000,000.00 in punitive damages, and interest. Claimant also sought reimbursement for arbitration costs and attorney's fees.

Respondents requested dismissal of Claimant's Statement of Claim in its entirety, and sought and reimbursement for arbitration costs and attorney's fees.

### **OTHER ISSUES CONSIDERED AND DECIDED**

At the hearing, Claimant dismissed Respondent Michael H. Weston without prejudice.

Respondents Miles James Ennis, III, Peter Kolbjorn Tenfjord, Michael Hans Weston, and Tradeway Securities Group, Inc. did not file with the NASD Dispute Resolution, Inc. properly executed submission agreements but are required to submit to arbitration pursuant to the Code, and having answered the claim, appeared and testified at the hearing, and are bound by the determination of the Panel on all issues submitted.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

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

- 1) Respondents are jointly and severally liable to and shall pay Claimant \$20,000.00 in compensatory damages.
- 2) Claimant is granted the right to rescind any or all of the following Private Placements to Tradeway Securities Group, Inc. no later than August 14, 2001:
  - a) Neighborhood Box Office, Inc. in the amount of \$60,00.00; and
  - b) Imperial Rubber Industries, Inc. in the amount of \$30,000.00.
- 3) Claimant's request for punitive damages is denied.
- 4) The parties shall bear their respective costs, including attorney's fees.
- 5) All other relief requested and not expressly granted is denied.

The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Michael Hans Weston's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Michael Hans Weston must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 500.00
--------------------------	-------------

#### **Member Fees**

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Tradeway Securities Group, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 2,500.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$ 4,500.00
<b>Total Member Fees</b>	<b>= \$ 7,600.00</b>

#### **Forum Fees and Assessments**

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

2 Pre-hearing conference sessions with the Panel @ \$ 1,200.00/session	= \$ 2,400.00
Pre-hearing conferences:	
January 10, 2001	1 session
February 8, 2001	1 session
11 Hearing sessions @ \$ 1,200.00/session	= \$ 13,200.00
Hearings:	
May 7, 2001	2 sessions
May 8, 2001	2 sessions
May 9, 2001	2 sessions
May 10, 2001	3 sessions
May 11, 2001	2 sessions
<b>Total Forum Fees</b>	<b>= \$ 15,600.00</b>

1. The Panel assessed \$ 7,800.00 of the forum fees to Claimant Leslie Rosenquist.
2. The Panel assessed \$ 7,800.00 of the forum fees jointly and severally to Respondents Miles James Ennis, III, Peter Kolbjorn Tenfjord, and Tradeway Securities, Inc.

**Fee Summary**

1. Claimant Leslie Rosenquist is charged with the following fees and costs:

Initial Filing Fee	= \$ 500.00
Forum Fees	= \$ 7,800.00
Total Fees	= \$ 8,300.00
Less Payments	= \$(1,700.00)
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 6,600.00</b>

2. Respondents Miles James Ennis, III, Peter Kolbjorn Tenfjord, and Tradeway Securities, Inc. are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 7,800.00
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 7,800.00</b>

3. Respondent Tradeway Securities, Inc. is charged with the following fees and costs:

Member Fees	= \$ 7,600.00
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 7,600.00</b>

All balances are payable to NASD Dispute Resolution, Inc. and are to be paid immediately upon the receipt of the award by the parties pursuant to Rule 10330(g) of the Code.

NASD Dispute Resolution, Inc.  
Arbitration No. 00-00505  
Award Page 5 of 5

Concurring Arbitrators' Signatures

Glen W. Hanne  
Chair, Public Arbitrator

Signature Date

Edward I. Miller  
Edward I. Miller  
Public Arbitrator

5-14-01  
Signature Date

David M. Seidner  
Non-Public Arbitrator

Signature Date

May 15, 2001  
Date of Service

NASD Dispute Resolution, Inc.  
Arbitration No. 00-00505  
Award Page 5 of 5

Concurring Arbitrators' Signatures

Glen W. Hanne  
Chair, Public Arbitrator

Signature Date

Edward I. Miller  
Public Arbitrator

Signature Date

  
David M. Seidner  
Non-Public Arbitrator

05/14/01  
Signature Date

Date of Service