

Stipulated Award

NASD

In the Matter of the Arbitration Between:

Kevin Clarke, Claimant v. Allen Douglas Securities, Inc. and Terry Dwight Mixon, Respondents

Case Number: 00-03598

Hearing Site: Tampa, Florida

REPRESENTATION OF PARTIES

For Kevin Clarke, hereinafter referred to as "Claimant": Eric A. Lanigan, Esq., Winter Park, FL.

For Terry Dwight Mixon ("Mixon") and Allen Douglas Securities, Inc. ("ADSI"), hereinafter referred to as "Respondents": William M. Rishoi, Esq., Snyderburn, Rishoi & Swann, Winter Park, FL.

CASE INFORMATION

Statement of Claim filed on or about: August 18, 2000.

Claimant's Uniform Submission Agreement signed: August 17, 2000.

Respondents' Statement of Answer filed on or about: October 31, 2000.

Respondent ADSI's Uniform Submission Agreement signed: December 7, 2000.

Respondent Mixon's Uniform Submission Agreement signed: September 29, 2000.

CASE SUMMARY

Claimant asserted the following causes of action: unsuitability, fraud, and negligence. The causes of action relate to the purchase and sale of unspecified securities products.

Unless specifically admitted in their Statement of Answer, Respondents denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimant requested compensatory and punitive damages totaling \$50,000.00, costs, and attorneys' fees.

Respondents requested dismissal of the Statement of Claim, attorneys' fees, and expungement of all references to the above-captioned arbitration from Respondents Mixon and ADSI's registration records maintained by the NASD Central Registration Depository ("CRD").

OTHER ISSUES CONSIDERED AND DECIDED

On or about July 30, 2001, NASD received a Joint Motion Stipulating to and Requesting the Entry of an Arbitration Award Ordering the Expungement of any and all Mention of This Claim and its Attendant Allegations From Respondents' CRD's, U-5's, etc. (the "Joint Motion") wherein the parties stated the matter had been settled and requested an expungement of all references to this claim from Respondents' CRD records. On or about August 13, 2001, Arbitrator Fink issued an order which granted the Joint Motion.

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

AWARD

After considering the pleadings and the Joint Motion, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

The Arbitrator recommends the expungement of all references to the above captioned arbitration from Respondents Mixon and ADSI's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents Mixon and ADSI must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), the following fees are assessed:

Filing Fees

NASD received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 175.00
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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 that gave rise to the dispute, claim, or controversy. Respondent ADSI is a party to this dispute and was an NASD member at the time the following fees were assessed:

Member Surcharge	= \$ 800.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 1,000.00
Total Member Fees	= \$ 2,400.00

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

Injunctive relief fees were not assessed in this matter.

Adjournment Fees

No adjournment fees are assessed.

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 Chair/Panel. The following fees are assessed:

Two (2) Pre-hearing conferences with a single arbitrator @ \$450.00	= \$	900.00
Pre-hearing conferences: March 1, 2001 1 session		
March 30, 2001 1 session		
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Total Forum Fees	= \$	900.00

The Arbitrator has assessed the total forum fees of \$ 900.00 to the Claimant.

Administrative Costs

Administrative costs are expenses incurred because a party requested additional services beyond the normal administrative services. These additional services include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, security, and other requests.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimant is solely liable for the following fees and costs:

Initial Filing Fee	= \$	175.00
<u>Forum Fees</u>	= \$	900.00
Total Fees	= \$	1,075.00
<u>Less payments</u>	= \$	625.00
Balance Due NASD	= \$	450.00

Respondent ADSI is solely liable for the following fees and costs:

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Member Fees	= \$ 2,400.00
Total Fees	= \$ 2,400.00
Less payments	= \$ 2,400.00
Balance Due NASD	= \$ 0.00

All balances are payable to NASD and are due upon the parties' receipt of the Award pursuant to Rule 10330(g) of the Code

ARBITRATION PANEL

Wesley August Fink, J.D.

Public Arbitrator, Presiding Chair

Arbitrator's Signature

/s/

Wesley August Fink, J.D.
Chair, Public Arbitrator

Signature Date

April 1, 2003

Date of Service (For NASD office use only)

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<u>Member Fees</u>	= \$ 2,400.00
<u>Total Fees</u>	= \$ 2,400.00
<u>Less payments</u>	= \$ 2,400.00
<u>Balance Due NASD</u>	= \$ 0.00

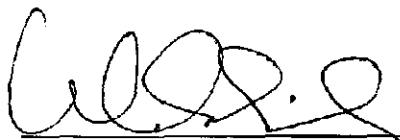
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ARBITRATION PANEL

Wesley August Fink, J.D.

Public Arbitrator, Presiding Chair

Arbitrator's Signature



Wesley August Fink, J.D.
Chair, Public Arbitrator

3-27-03

Signature Date

Date of Service (For NASD office use only)