
Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

John C. Powell and John C. Powell, M.D., P.S.C.,
Claimants

Vs.

Case Number: 00-03809

Preston Langley Asset Management, Inc.,
J.B. Oxford & Company,
Marlowe Holdings, LLC,
Gregg Adams,
Robert W. Lisnoff, Jr.,
Christopher Russo, and
Nathaniel Ian Shapinsky,
Respondents

Hearing Site: Louisville, Kentucky

REPRESENTATION OF PARTIES

Claimants John C. Powell and John C. Powell, M.D., P.S.C. ("Powell"): John J. Phelan, III., Esquire, John J. Phelan, III., P.C., New York, New York.

Respondent J.B. Oxford & Company ("J.B. Oxford"): Cynthia M. Schleindl, Esquire, Miller, Milove & Kob, San Diego, California.

Respondent Christopher Russo ("Russo"): Steven Mintz, Esquire, Mintz & Gold, LLP, New York, New York.

Respondent Nathaniel Ian Shapinsky ("Shapinsky"): Joe Mays, Securities Consultants, Inc., New York, New York.

Respondents Preston Langley Asset Management, Inc. ("Preston Langley"), Marlowe Holdings, LLC ("Marlowe"), Gregg Adams ("Adams"), and Robert W. Lisnoff, Jr. ("Lisnoff") were each *pro se*.

CASE INFORMATION

Statement of Claim filed on or about: August 25, 2000.

Powell signed the Uniform Submission Agreement on his own behalf and on behalf of John C. Powell, M.D., P.S.C.: August 24, 2000.

Statement of Answer filed by J.B. Oxford on or about: December 5, 2000.

Respondent J.B. Oxford did not sign the Uniform Submission Agreement.

Statement of Answer filed by Shapinsky on or about: August 13, 2001.

Shapinsky signed the Uniform Submission Agreement on August 27, 2001, and again on April 3, 2002.

Respondents Preston Langley, Marlowe, Adams, Lisnoff, and Russo did not file Statements of Answer or Uniform Submission Agreements.

CASE SUMMARY

Claimants John C. Powell and John C. Powell, M.D., P.S.C., asserted the following causes of action: rescission pursuant to Kentucky Securities Code, KRS §§292.310 et seq., fraud, misrepresentation, violation of the NASDR's sales practice rules, failure to disclose risks, violation of §12(2) of the Securities Act of 1933, and violation of §10(b) and Rule 10b-5 of the Securities Exchange Act of 1934. The causes of action relate to purchases of the following common stock: Americom Networks Corporation ("ANIW").

Unless specifically admitted in its Answer, J.B. Oxford denied the allegations made in the Statement of Claim and asserted the following defenses: failure to state a cause of action, violation of the applicable statute of limitations, laches, estoppel, ratification, unclean hands, *in pari delicto*, failure to mitigate, failure to allege fraud with particularity, bad faith, justification, excuse, privilege, comparative negligence, indemnity, offset, intervening and superseding causes, waiver, assumption of the risk, *res judicata*, collateral estoppel and lack of standing.

Unless specifically admitted in his Answer, Shapinsky denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimants John C. Powell and John C. Powell, M.D., P.S.C., requested:

Compensatory Damages	\$188,793.90
Punitive Damages	not specified
Interest	not specified
Attorneys' Fees	not specified
Other Costs	not specified
Rescission	

J.B. Oxford requested dismissal of Powell's claims against it, and such other relief as the Panel should deem proper.

Shapinsky requested dismissal of Powell's claims against him.

OTHER ISSUES CONSIDERED AND DECIDED

On or about April 2, 2001, J.B. Oxford filed a Motion to Dismiss. On or about April 30, 2001, Powell filed his response to the motion. On or about May 11, 2001, J.B. Oxford filed its reply. On May 30, 2001, the Panel heard oral argument on the motion. On July 23, 2001, the undersigned Panel granted the Motion to Dismiss. Accordingly, the Panel enters no award against Respondent J.B. Oxford & Company.

On May 9, 2001, Russo filed a Voluntary Petition in the U.S. Bankruptcy Court for the Eastern District of New York. As a consequence, this arbitration proceeding was stayed as to this respondent, and NASD Dispute Resolution, Inc., removed Russo as a party to this matter. Accordingly, the Panel enters no award against Respondent Christopher Russo.

Marlowe Holdings, LLC, is not a member firm or a person associated with a member firm as defined in Article I (dd) of the Bylaws of the NASD. Marlowe did not voluntarily submit to arbitrate this dispute before the undersigned Panel. Accordingly, Marlowe Holdings, LLC, is dismissed without prejudice for lack of jurisdiction, and the Panel enters no award against Respondent Marlowe Holdings, LLC.

Respondents Preston Langley, Adams and Lisnoff did not file with NASD Dispute Resolution, Inc., properly executed submissions to arbitration but are required to submit to arbitration pursuant to the Code and are bound by the determination of the Panel on all issues submitted.

On or about August 7, 2001, Powell filed a Motion for Default Judgment against all Respondents. On August 21, 2001, the Panel heard oral argument on the Motion. By Order dated September 4, 2001, the undersigned Panel granted the motion in part as to all Respondents other than Shapinsky, to the extent that sufficient evidence was determined to have been presented to justify an award against the Respondents at the close of the case.

On or about September 29, 2001, Powell filed a Supplemental Motion for Default Judgment as to Shapinsky. On or about October 15, 2001, Shapinsky filed a response to the motion. On or about October 17, 2001, Powell filed his reply. By order dated October 23, 2001, the undersigned Panel denied the motion. At the hearing, Powell moved for a directed verdict against Shapinsky. The undersigned Panel denied the motion.

Upon review of the file and the representations made by/on behalf of the Claimants, the undersigned Panel determined that Respondents Preston Langley, Adams and Lisnoff had been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondents present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

AWARD

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

1. Respondents Preston Langley Asset Management, Inc., Gregg Adams, Robert W. Lisnoff, Jr., and Nathaniel Ian Shapinsky are jointly and severally liable for, and shall pay to Claimants John C. Powell and John C. Powell, M.D., P.S.C., the sum of \$188,793.90 (One Hundred Eighty-eight Thousand Seven Hundred Ninety-three Dollars and No Cents) in compensatory damages.
2. Respondents Preston Langley Asset Management, Inc., Gregg Adams, Robert W. Lisnoff, Jr., and Nathaniel Ian Shapinsky are jointly and severally liable for, and shall pay to Claimants John C. Powell and John C. Powell, M.D., P.S.C., interest on the sum awarded in paragraph 1 above at 8% (Eight Percent) per annum, accruing from April 5, 1999 until the date of payment of the award.
3. Respondents Preston Langley Asset Management, Inc., Gregg Adams, Robert W. Lisnoff, Jr., and Nathaniel Ian Shapinsky are jointly and severally liable for, and shall pay to Claimants John C. Powell and John C. Powell, M.D., P.S.C., the sum of \$300.00 (Three Hundred Dollars and No Cents) as reimbursement of the non-refundable filing fee paid by Claimant to NASD Dispute Resolution, Inc.
4. Any and all relief not specifically addressed herein, including punitive damages, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 300.00
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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 person at the time of the events giving rise to the dispute. In this matter, the member firms are parties.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 600.00
<u>Hearing process fee</u>	<u>= \$2,500.00</u>
Total Member Fees	= \$4,600.00

Forum Fees and Assessments

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

Three (3) Pre-hearing session(s) with Panel x \$1,125.00 = \$3,375.00

Pre-hearing conferences: March 22, 2001 1 session
 May 30, 2001 1 session
 August 21, 2001 1 session

Two (2) Hearing sessions x \$1,125.00 = \$2,250.00

Hearing Date: April 3, 2002 2 sessions

Total Forum Fees = \$5,625.00

The panel has assessed the entire \$5,625.00 in forum fees jointly and severally to Respondents Preston Langley Asset Management, Inc., Gregg Adams, Robert W. Lisnoff, Jr., and Nathaniel Ian Shapinsky.

Fee Summary

1. Claimants John C. Powell and John C. Powell, M.D., P.S.C., are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 300.00
Total Fees	= \$ 300.00
<u>Less payments</u>	<u>= \$1,425.00</u>
Refund Due from NASD Dispute Resolution, Inc.	= \$1,125.00

2. Respondent Preston Langley Asset Management, Inc., is solely liable for:

<u>Member Fees</u>	= \$4,600.00
Total Fees	= \$4,600.00
<u>Less payments</u>	<u>= \$ 0</u>
Balance Due to NASD Dispute Resolution, Inc.	= \$4,600.00

3. Respondent J.B. Oxford & Company, Inc., is solely liable for:

<u>Member Fees</u>	= \$4,600.00
<u>Total Fees</u>	= \$4,600.00
<u>Less payments</u>	= \$5,200.00
Refund Due from NASD Dispute Resolution, Inc.	= \$ 600.00

4. Respondents Preston Langley Asset Management, Inc., Gregg Adams, Robert W. Lisnoff, Jr., and Nathaniel Ian Shapinsky be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	= \$5,625.00
<u>Total Fees</u>	= \$5,625.00
<u>Less payments</u>	= \$ 00.00
Balance Due to NASD Dispute Resolution, Inc.	= \$5,625.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

<i>Robert P. Ross, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>Bill Swinford, Jr., Esq.</i>	-	<i>Public Arbitrator</i>
<i>Rudy Vincenti</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Robert P. Ross
Robert P. Ross, Esq.
Public Arbitrator, Presiding Chair

May 7, 2002
Signature Date

Bill Swinford, Jr.
Bill Swinford, Jr., Esq.
Public Arbitrator

May 7, 2002
Signature Date

Rudy Vincenti
Rudy Vincenti
Non-Public Arbitrator

May 8, 2002
Signature Date

May 8, 2002
Date of Service

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3. Respondent J.B. Oxford & Company, Inc., is solely liable for:

Member Fees	= \$4,600.00
Total Fees	= \$4,600.00
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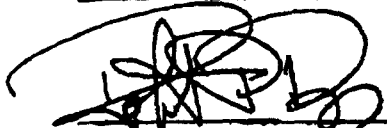
Forum Fees	= \$5,625.00
Total Fees	= \$5,625.00
Less payments	= \$ 00.00
Balance Due to NASD Dispute Resolution, Inc.	= \$5,625.00

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Bill Swinford, Jr., Esq.	-	Public Arbitrator
Rudy Vincenti	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Robert P. Ross, Esq.
Public Arbitrator, Presiding Chair

5/7/02

Signature Date

Bill Swinford, Jr., Esq.
Public Arbitrator

Signature Date

Rudy Vincenti
Non-Public Arbitrator

Signature Date

Date of Service (For NASD-Dispute Resolution office use only)

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<i>Rudy Vincenti</i>	-	<i>Non-Public Arbitrator</i>

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Robert P. Ross, Esq.
Public Arbitrator, Presiding Chair



Bill Swinford, Jr., Esq.
Public Arbitrator

Signature Date

5-7-02

Signature Date

Rudy Vincenti
Non-Public Arbitrator

Signature Date

Date of Service (For NASD-Dispute Resolution office use only)

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<i>Bill Swinford, Jr., Esq.</i>	-	<i>Public Arbitrator</i>
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Robert P. Ross, Esq.
 Public Arbitrator, Presiding Chair

Signature Date

Bill Swinford, Jr., Esq.
 Public Arbitrator

Signature Date

Rudy Vincenti
 Non-Public Arbitrator

Signature Date

Date of Service (For NASD-Dispute Resolution office use only)