

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Tanya Booth, Claimant v. J.B. Oxford & Company, Inc. and Asa Such, Respondents

Case Number: 00-03864

Hearing Site: San Diego, California

REPRESENTATION OF PARTIES

For Claimant:

Arthur S. Leider
Investors Arbitration
Specialists, Inc.
San Diego, California

For Respondent J.B. Oxford & Company, Inc.:

Jeffrey A. Kob, Esq.
Miller, Milove & Kob
San Diego, California

For Respondent Asa Such:

Asa Such
In Pro Per
Palo Alto, California

CASE INFORMATION

Statement of Claim filed: August 15, 2000

Claimant's Uniform Submission Agreement signed: August 7, 2000

Statement of Answer filed by Respondent J.B. Oxford & Company, Inc.: November 8, 2000

Respondent J.B. Oxford & Company, Inc.'s Uniform Submission Agreement signed: November 27, 2000

CASE SUMMARY

Claimant alleged breach of fiduciary duty, violation of NASD Rules of Conduct Section 2310-2(3), and churning. The dispute involved the purchase and/or sale of various mutual funds.

Respondent J.B. Oxford & Company, Inc. denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

Respondent Asa Such did not file a Statement of Answer.

RELIEF REQUESTED

Claimant requested \$50,000.00 in compensatory damages. Claimant also sought punitive damages, interest, and reimbursement for attorney's fees and arbitration costs.

Respondent J.B. Oxford & Company, Inc. requested dismissal of the Claimant's Statement of Claim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

The undersigned Panel determined that Respondent Asa Such was not properly served with the Statement of Claim and did not receive due notice of the hearing.

At the hearing, the Claimant withdrew without prejudice all claims against Respondent Asa Such.

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) Respondent J.B. Oxford & Company, Inc. is liable to and shall pay Claimant \$11,500.00 in compensatory damages.
- 2) Respondent J.B. Oxford & Company, Inc. is liable to and shall pay Claimant \$175.00 for reimbursement of filing fees.
- 3) Claimant's request for punitive damages is denied.
- 4) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Asa Such's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Asa Such must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

- 5) The parties shall bear their respective costs, including attorney's fees.
- 6) All other relief requested and not expressly granted is denied.

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	= \$ 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 which gave rise to the dispute, claim, or controversy. Accordingly, the member firm J.B. Oxford & Company, Inc. is a party and the following fees are assessed:

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

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:

1 Pre-hearing conference session with the Panel @ \$ 600.00/session	= \$ 600.00
Pre-hearing conference: May 22, 2001 1 session	
2 Hearing sessions @ \$ 600.00/session	= \$ 1,200.00
Hearing: October 17, 2001 2 sessions	
Total Forum Fees	= \$ 1,800.00

The Panel assessed \$ 1,800.00 of the forum fees to Respondent J.B. Oxford & Company, Inc.

Fee Summary

1. Claimant Tanya Booth is charged with the following fees and costs:

Initial Filing Fee	= \$ 175.00
<u>Less payments</u>	= \$(775.00)
Refund Due Claimant	= \$(600.00)

2. Respondent J.B. Oxford & Company, Inc. is charged with the following fees and costs:

Member Fees	= \$ 2,400.00
<u>Forum Fees</u>	<u>= \$ 1,800.00</u>
Total Fees	= \$ 4,200.00
<u>Less payments</u>	<u>= \$(2,400.00)</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,800.00

All balances are payable to NASD Dispute Resolution, Inc. and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.


ARBITRATION PANEL

Franklin Geerdes, Esq.	-	Public Arbitrator, Presiding Chair
Jon C. Milliken, JD	-	Public Arbitrator
James O. Johnson, Jr.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Franklin Geerdes, Esq.
Chair, Public Arbitrator

Signature Date



Jon C. Milliken, JD
Public Arbitrator



Signature Date

James O. Johnson, Jr.
Non-Public Arbitrator

Signature Date



Date of Service

ARBITRATION PANEL

Franklin Geerdes, Esq.	-	Public Arbitrator, Presiding Chair
Jon C. Milliken, JD	-	Public Arbitrator
James O. Johnson, Jr.	-	Non-Public Arbitrator

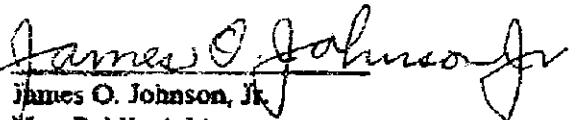
Concurring Arbitrators' Signatures

Franklin Geerdes, Esq.
Chair, Public Arbitrator

Signature Date

Jon C. Milliken, JD
Public Arbitrator

Signature Date


James O. Johnson, Jr.
Non-Public Arbitrator

October 19, 2001
Signature Date

10/19/01
Date of Service