

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Name of the Claimants

Case Number: 00-04218

Steven Helzner and Paula Helzner

Name of the Respondents

Hearing Site: Philadelphia, Pennsylvania

Paul M. Price, and Ferris, Baker Watts, Incorporated.

REPRESENTATION OF PARTIES

Claimants, Steven Helzner ("S. Helzner") and Paula Helzner ("P. Helzner"), hereinafter collectively referred to as "Claimants" were represented by Steven M. Dranoff, Esq. and Nicholas J. Guiliano, Esq., Philadelphia, Pennsylvania.

Respondent Ferris, Baker Watts, Incorporated ("FBW") was represented by Matthew Farley, Esq., Drinker Biddle & Reath LLP, New York, New York.

Respondent Paul M. Price ("Price") was initially represented by Respondent FBW's attorney, Matthew Farley, Esq., Drinker Biddle & Reath LLP, New York, New York. On April 18, 2002, Respondent Price severed his defense from Respondent FBW and became *Pro Se*.

CASE INFORMATION

Statement of Claim filed on September 20, 2000.

Claimants signed the Uniform Submission Agreement on September 15, 2000.

Statement of Answer filed by Respondents Price and FBW on January 12, 2001.

Respondent FBW signed the Uniform Submission Agreement on December 6, 2000.

Respondent Price signed the Uniform Submission Agreement on December 7, 2000.

CASE SUMMARY

Claimants asserted the following causes of action: violation of the federal securities laws; excessive activity; the sale of unsuitable securities; unauthorized trading; fraudulent use of a margin account; common law fraud; breach of fiduciary duty; and violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Act. The causes of action relate to Respondent Price's alleged mishandling of Claimants' FBW accounts while Respondent Price was a registered representative associated with Respondent FBW.

Unless specifically admitted in their Answer, Respondents FBW and Price denied the allegations made in the Statement of Claim and asserted the following defenses: no cause of action under

the Pennsylvania Unfair Trade Practices Act; Claimants' claims are barred by applicable Statute of Limitations; losses sustained were the result of national macro economic forces and events that were not caused by nor within the control of the Respondents; claims barred by equitable doctrines of estoppel, waiver, ratification and laches; failure to mitigate; all duties owed to Claimants were fully carried out; and Respondents actions were within the parameters of accepted brokerage procedures and all exchange and governmental regulations.

RELIEF REQUESTED

Claimants at the hearing requested:

Compensatory Damages	\$75,713.25
Interest	\$18,549.75
Attorneys' Fees & Costs	\$37,772.50

Respondents in their Statement of Answer requested an award dismissing the claim with no recovery, and assessing all costs of the suit and defense against the Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

Claimants requested and Respondents agreed to a postponement of the January 14, 2002 hearing. The Arbitrator Panel agreed to the postponement and waived the postponement fee.

On or about July 15, 2002, Respondent Price filed a request to file a Supplement Statement of Answer. Following the August 15, 2002 pre-hearing conference, Respondent Price formally withdrew his Supplemental Statement of Answer by way of letter dated August 15, 2002. The Arbitrator Panel and Claimants' counsel retained their copies of the Supplemental Statement of Answer and Respondent Price use the information contained in the Supplemental Statement of Answer at the hearing.

By way of letter dated August 6, 2002 Nicholas J. Guiliano, attorney for Claimants, advised NASD Dispute Resolution that Claimants were withdrawing, with prejudice, all claims against Respondent FBW and asked that the matter against Respondent FBW be closed.

AWARD

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

1. Respondent Price shall pay Claimants compensatory damages in the amount of \$12,000.00; no prejudgment interest is awarded on this amount.
2. The parties shall bear their respective costs, including attorney's fees, except as Fees are specifically addressed below.

3. Any and all relief not specifically addressed herein is denied in its entirety.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee = \$300

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 persons at the time of the events giving rise to the dispute. Accordingly, Respondent FBW is a party.

Member surcharge = \$1,500.00

Pre-hearing process fee = \$ 600.00

Hearing process fee = \$2,500.00

Total Member Fees = \$4,600.00

Forum Fees and Assessments

The Arbitrator Panel has assessed forum fees for each session conducted. A 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 sessions with a single arbitrator @ \$450 = \$1,350.00

Pre-hearing conferences: November 9, 2001 1 session

March 5, 2002 1 session

August 15, 2002 1 session

One (1) Pre-hearing session with Panel @ \$1,125.00 = \$1,125.00

Pre-hearing conference: July 6, 2001 1 session

Three (3) Hearing sessions @ \$1,125.00 = \$3,375.00

Hearing Dates: August 28, 2002 2 sessions

August 29, 2002 1 session

Total Forum Fees = \$5,850.00

1. The Arbitrator Panel has assessed \$3,375.00 of the forum fees to Respondent Price.
2. The Arbitrator Panel has assessed \$2,475.00 of the forum fees jointly and severally to Respondents Price and FBW.

EEE SUMMARY

1. Claimants is assessed the following fees:

<u>Initial Filing Fee</u>	= \$ 300.00
Total Fees	= \$ 300.00
<u>Less payments</u>	= \$ 1,425.00
Refund Due Claimants	= \$ 1,125.00

2. Respondent FBW is assessed the following fees:

<u>Member Fees</u>	= \$ 4,600.00
Total Fees	= \$ 4,600.00
<u>Less payments</u>	= \$ 4,600.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondent Price is assessed the following fees:

<u>Forum Fees</u>	= \$ 3,375.00
Total Fees	= \$ 3,375.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 3,375.00

4. Respondents Price and FBW are jointly and severally assessed the following fees:


<u>Forum Fees</u>	= \$2,475.00
Balance Due NASD Dispute Resolution	= \$2,475.00

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

ARBITRATION PANEL

William J. McDevitt, Esq.	-	Public Arbitrator, Presiding Chairperson
Edward M. Rosensteel, Esq.	-	Public Arbitrator, Panelist
Michael T. Baranowsky	-	Non-Public Arbitrator, Panelist

Concerning Arbitrators' Signatures


William J. McDevitt, Esq.
Public Arbitrator, Presiding Chairperson

10/7/02
Signature Date

Edward M. Rosensteel, Esq.
Public Arbitrator, Panelist

Signature Date

Michael T. Baranowsky
Non-Public Arbitrator, Panelist

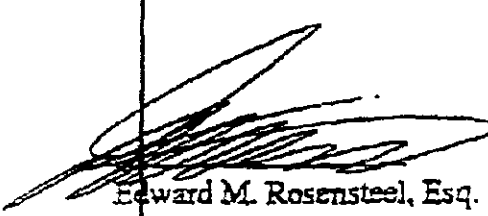
Signature Date

October 8, 2002
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

William J. McDevitt, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Edward M. Rosensteel, Esq.
Public Arbitrator, Panelist

10/4/2002
Signature Date

Michael T. Baranowsky
Non-Public Arbitrator, Panelist

Signature Date

October 8 2002
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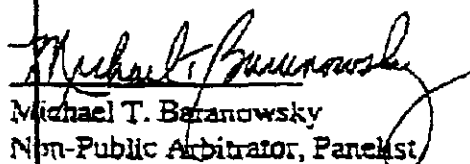
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