

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

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In the Matter of the Arbitration Between:

Gene Bogenberger, Claimant v. Grant Bettingen, Inc., Triquest Financial, Inc., Wedbush Morgan Securities, Inc., and George J. Abrahamsen, Respondents

Case Number: 00-05029

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimant:

Jeff Dennis Ferentz, Esq.  
Greenbaum & Ferentz LLP  
Newport Beach, California

For Respondent Grant Bettingen, Inc.:

Grant Bettingen  
Grant Bettingen, Inc.  
Irvine, California

For Respondent Triquest Financial, Inc.:

Doug Stern, Esq.  
Fulbright & Jaworski, LLP  
Los Angeles, California

For Respondent Wedbush Morgan Securities, Inc.: Gary L. Holmes, Esq.  
Wedbush Morgan Securities Inc.  
Los Angeles, California

For Respondent George J. Abrahamsen:

Thomas Fehn, Esq.  
Fields, Fehn & Sherwin  
Los Angeles, California

**CASE INFORMATION**

Statement of Claim filed: November 7, 2000

Claimant's Uniform Submission Agreement signed: September 26, 2000

Joint Statement of Answer filed by Respondents Grant Bettingen, Inc. and George J. Abrahamsen: January 16, 2001

Respondents Grant Bettingen, Inc. and George J. Abrahamsen's Joint Uniform Submission

Agreement signed: January 15, 2001

Statement of Answer filed by Respondent Wedbush Morgan Securities, Inc.: January 26, 2001

Respondent Wedbush Morgan Securities, Inc.'s Uniform Submission Agreement signed:  
January 26, 2001

Respondent Triquest Financial, Inc.'s Counter-Claim filed: January 23, 2001

### **CASE SUMMARY**

Claimant alleged breach of contract, breach of fiduciary duty, misrepresentation, unsuitability, omission of fact, failure to supervise, elder abuse, negligence, fraud, and violation of NASD Rules involving options securities.

Respondents Grant Bettingen, Inc., George J. Abrahamsen, and Wedbush Morgan Securities, Inc. denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim. In addition, Respondent Triquest Financial, Inc. brought a cross-claim against Respondent George J. Abrahamsen for indemnification.

### **RELIEF REQUESTED**

Claimant requested \$99,763.00 in actual damages. Claimant also requested punitive damages, prejudgment and postjudgment interest, costs, and attorneys' fees.

Respondents Grant Bettingen, Inc., George J. Abrahamsen, and Wedbush Morgan Securities, Inc. requested dismissal of the Claimant's Statement of Claim in its entirety. In addition, Respondent Triquest Financial, Inc. requested indemnification from Respondent George J. Abrahamsen.

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

The Claimant dismissed Respondents Wedbush Morgan Securities, Inc. and Triquest Financial, Inc.

Respondent Triquest Financial, Inc. filed for Chapter 7 bankruptcy on October 31, 2001.

Respondent Grant Bettingen, Inc. did not appear at the arbitration hearing. The panel determined that Grant Bettingen, Inc. received due notice of the arbitration proceedings and it voluntarily did not appear.

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 Grant Bettingen, Inc. and George J. Abrahamsen are jointly and severally liable to and shall pay Claimant the sum of \$26,704.00 in damages.
2. Respondent George J. Abrahamsen is liable to and shall pay Claimant the sum of \$6,676.00 in damages.
3. The parties shall each bear their respective costs, including attorneys' fees.
4. All other relief 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	= \$ 225.00
Respondent Triquest Financial, Inc.'s Counterclaim	= \$ 750.00

#### **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 firms Wedbush Morgan Securities, Inc. and Grant Bettingen, Inc. are parties and the following fees are assessed to each:

Member Surcharge	= \$ 1,000.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 1,500.00
<b>Total Member Fees</b>	<b>= \$ 3,100.00</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 Chair/Panel. The following fees are assessed:

2 Pre-hearing conference sessions with the Panel @ \$750/session	= \$ 1,500.00
Pre-hearing conferences: July 10, 2001 1 session	
February 22, 2002 1 session	
4 Hearing sessions @ \$750.00/session	= \$ 3,000.00
Hearings: April 1, 2002 2 sessions	
April 2, 2002 2 sessions	

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<b>Total Forum Fees</b>	<b>= \$ 4,500.00</b>
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1. The Panel assessed \$ 2,250.00 of the forum fees to Claimant Gene Bogenberger.
2. The Panel assessed \$ 1,125.00 of the forum fees to Respondent George J. Abrahamsen.
3. The Panel assessed \$ 1,125.00 of the forum fees to Respondent Grant Bettingen, Inc.

#### **Fee Summary**

1. Claimant Gene Bogenberger is charged with the following fees and costs:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	= \$ 2,250.00
Total Fees	= \$ 2,475.00
<u>Less payments</u>	= \$ ( 975.00)
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 1,500.00</b>

2. Respondent George J. Abrahamsen is charged with the following fees and costs:

<u>Forum Fees</u>	= \$ 1,125.00
<u>Total Fees</u>	= \$ 1,125.00
<u>Less payments</u>	= \$ 0.00
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 1,125.00</b>

3. Respondent Grant Bettingen, Inc. is charged with the following fees and costs:

<u>Member Fees</u>	= \$ 3,100.00
<u>Forum Fees</u>	= \$ 1,125.00
<u>Total Fees</u>	= \$ 4,225.00
<u>Less payments</u>	= \$(1,798.67)
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 2,426.33</b>

4. Respondent Wedbush Morgan Securities, Inc. is charged with the following fees and costs:

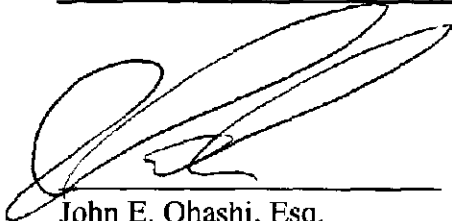
<u>Member Fees</u>	= \$ 3,100.00
<u>Total Fees</u>	= \$ 3,100.00
<u>Less payments</u>	= \$(4,600.00)
<b>Refund Due Wedbush Morgan Securities, Inc.</b>	<b>= \$(1,500.00)</b>

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**

<i>John E. Ohashi, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>Richard S. Mannheimer</i>	-	<i>Public Arbitrator</i>
<i>Lois J. Cox</i>	-	<i>Non-Public Arbitrator</i>

**Concurring Arbitrators' Signatures**



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John E. Ohashi, Esq.  
Chair, Public Arbitrator

4/30/02  
Signature Date

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Richard S. Mannheimer  
Public Arbitrator

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Signature Date

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Lois J. Cox  
Non-Public Arbitrator

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Signature Date

5/1/02  
Date of Service

NASD Dispute Resolution, Inc.  
Arbitration No. 00-115029  
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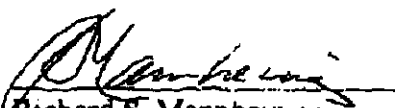
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