

AWARD
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

David F. Zupke, Trustee of the Marla Zupke Revocable Living Trust

and

00-05426

Southfield, Michigan

Michigan Securities, Inc., and
Raymond L. Aretha

REPRESENTATION OF PARTIES

David F. Zupke, Trustee of the Marla Zupke Revocable Living Trust ("Claimant") was represented by Anthony V. Trogan, Esq., West Bloomfield, Michigan. Claimant was acting pro se until on or about May 1, 2002.

Michigan Securities, Inc. and Raymond L. Aretha ("Respondents") were represented by Joseph H. Spiegel, Esq., Ann Arbor, Michigan.

CASE INFORMATION

The Statement of Claim was filed on or about November 27, 2000. The Submission Agreement of Claimant David F. Zupke, Trustee of the Marla Zupke Revocable Living Trust was signed by David Zupke on or about November 27, 2000.

Claimant filed a Motion to Preclude an Answer on or about February 1, 2001. Claimant withdrew his Motion on or about February 5, 2001.

Statement of Answer and Affirmative Defenses was filed by Respondent Michigan Securities, Inc. on or about February 2, 2002. Respondents' Amended Statement of Answer was filed on or about April 17, 2002.

Claimant filed a Denial of Affirmative Defenses on or about February 6, 2001.

Respondents filed a Motion to Strike Claimant's Pre-Hearing Exchange Witness List and Production of Documents and to Bar Testimony and Exhibits of Claimant on or about May 6, 2002. Claimant filed his Response on or about May 9, 2002.

CASE SUMMARY

Claimant asserted that Respondents failed to notify Claimant of an assignment of shares of CLPA stock following the expiration of the underlying options and that the account was placed in a margin position contrary to Claimant's specific instructions.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the affirmative defenses including the following: the Statement of Claim fails to state a claim upon which relief can be granted, the Statement of Claim is barred by the doctrine of assumption of the risk, the Statement of Claim is barred by the doctrines of estoppel, laches, and unclean hands.

RELIEF REQUESTED

Claimant requested an award in the amount of \$33,000.00, and other unspecified relief.

Respondents requested that the claims asserted against them be dismissed in their entirety and that they be awarded their attorneys' fees and such other relief the Panel deems just and equitable.

OTHER ISSUES CONSIDERED & DECIDED

Respondents Michigan Securities, Inc., and Raymond L. Aretha did not file with the NASD Dispute Resolution, Inc. properly executed submissions to arbitration but are required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code") and having answered the claim, appeared and testified at the hearing are bound by the determination of the arbitration panel on all issues submitted.

The Arbitrator denied Respondents' Motion to Strike Claimant's Pre-Hearing Exchange Witness List and Production of Documents and to Bar Testimony and Exhibits of Claimant on or about May 14, 2002.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution, Inc. (the "NASD").

AWARD

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

- 1.) Claimant's claims, each and all, are dismissed with prejudice;
- 2.) That other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter;
- 3.) That any relief not specifically enumerated, including punitive damages is hereby denied with prejudice.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee = \$ 175.00

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 firm is Michigan Securities, Inc.

Member surcharge = \$ 800.00

Pre-hearing process fee = \$ 600.00

Hearing process fee = \$1,000.00

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with a single arbitrator x \$450.00 = \$ 900.00

Pre-hearing conferences: June 14, 2001 1 session

May 10, 2002 1 session

Two (2) Hearing sessions x \$450.00 = \$ 900.00

Hearing Date: May 23, 2002 2 sessions

Total Forum Fees = \$1,800.00

The Arbitration Panel has assessed \$1,800.00 of the forum fees to David F. Zupke, Trustee of the Marla Zupke Revocable Living Trust.

Fee Summary

Claimant, David F. Zupke, Trustee of the Marla Zupke Revocable Living Trust, is liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$1,800.00
Total Fees	= \$1,975.00
Less payments	= \$ 625.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,350.00

Respondent, Michigan Securities, Inc., is liable for:

Member Fees	= \$2,400.00
Total Fees	= \$2,400.00
Less payments	= \$ 800.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,600.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Martin B. Breighner, Esq. - Public Arbitrator, Presiding Chair

Concurring Arbitrator:

/s/ Martin B. Breighner, Esq. _____
Martin B. Breighner, Esq.
Public Arbitrator, Presiding Chair

06/12/02 _____
Signature Date

06/14/02 _____
Date of Service (For NASD office use only)

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ARBITRATION PANEL

Martin B. Breighner, Esq. - Public Arbitrator, Presiding Chair

Concurring Arbitrator:

Martin B. Breighner
Martin B. Breighner, Esq.
Public Arbitrator, Presiding Chair

JUNE 12, 2002
Signature Date

Date of Service (For NASD office use only)