
Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

IMS Securities, Inc. (Claimant) v. Stephanie Hrycyk, d/b/a Hrycyk Financial Services (Respondent).

Case Number: 01-00459

Hearing Site: Houston, Texas

REPRESENTATION OF PARTIES

Claimant, IMS Securities, Inc. ("IMS") was represented by Gregory J. Casas of Locke Liddell & Sapp LLP, Houston, Texas.

Respondent, Stephanie A. Hrycyk ("Ms. Hrycyk") was represented by Robert J. Itri of Gallagher & Kennedy, Phoenix, Arizona.

CASE INFORMATION

Statement of Claim filed on or about: February 15, 2001.

IMS, signed the Uniform Submission Agreement: February 6, 2001.

Counter Claim and Statement of Answer filed by Respondent Ms. Hrycyk on or about: July 25, 2001.

Respondent, Ms. Hrycyk signed the Uniform Submission Agreement on: April 3, 2001.

Claimant/Counter Respondent did not file a Statement of Answer

CASE SUMMARY

Claimant asserted the following causes of action: breach of employment/contract, Indemnity.

Unless specifically admitted in its Answer, Respondent, Ms. Hrycyk denied the allegations made in the Statement of Claim and asserted the following affirmative defenses:

1. Claimant is estopped from asserting the claims against Respondent as Respondent discharged her duties in accordance with her obligations under the agreement

2. Respondent further alleges that any damages suffered by Claimant were the result of the negligence and wrongful acts of someone other than Respondent.
3. Claimant was negligent in whole or in part, thereby reducing or limiting any alleged damages caused by Respondent.
4. If Respondent is determined to be liable for the allegations contained in the complaint, Respondent is entitled to contribution from other tortfeasors, named and unnamed, including Jackie Wadsworth.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	unspecified
Punitive Damages	unspecified
Costs	unspecified

Respondent/Counter Claimant requested that the Statement of Claim be dismissed in its entirety and that Claimants be ordered to pay Respondent's costs.

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. Any relief requested by Claimant/Counter Respondent IMS Securities Inc. against Respondent/Counter Claimant Stephanie Hrycyk, d/b/a Hrycyk Financial Services is denied.
2. Any relief requested by Respondent/Counter Claimant Stephanie Hrycyk, d/b/a Hrycyk Financial Services against Claimant/Counter Respondent IMS Securities Inc. is denied.
3. Except as otherwise specified herein, each party shall bear its own costs and attorney's fees.
4. Any and all relief not specifically addressed herein, 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	= \$500.00
Counter Claim Filing Fee	= \$250.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person at the time of the event(s) giving rise to the dispute. In this matter, the member firm IMS Securities, Inc. is a party to this matter.

Member surcharge	= \$1,200.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$ 2,000.00

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 arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with panel x \$ 1,000.00	= \$ 1,000.00
Pre-hearing conference: August 24, 2001	1 session
Four (4) Hearing sessions x \$1,000.00	= \$ 4,000.00
Hearing Dates: December 10, 2001	2 sessions
December 11, 2001	2 sessions
Total Forum Fees	= \$ 5,000.00

The panel has assessed \$2,500.00 of the forum fees to Claimant /Counter Respondent IMS Securities Inc. In addition, the panel has assessed \$2,500.00 of the forum fees to Respondent/Counter Claimant Stephanie Hrycyk, d/b/a Hrycyk Financial Services

FEE SUMMARY

Claimant/Counter Respondent, IMS Securities Inc., is solely liable for:

Initial Filing Fee	= \$ 500.00
Member Fees	= \$ 3,800.00
Forum Fees	= \$ 2,500.00
Total Fees	= \$ 6,800.00
Less payments	= \$ 5,300.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,500.00

Respondent/ Counter Claimant Stephanie Hrycyk, d/b/a Hrycyk Financial Services, is solely liable for:

Counter Claim Filing Fee	= \$ 250.00
Forum Fees	= \$ 2,500.00

Total Fees	= \$ 2,750.00
<u>Less payments</u>	<u>= \$ 1,250.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,500.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Thomas H. Griffin -Non -Public Arbitrator, Presiding Chair

Dale A. Hearn -Non-Public Arbitrator

Tim S. Hartzell -Non-Public Arbitrator

Concurring Arbitrators' Signatures

Thomas H. Griffin
Non-Public Arbitrator, Presiding Chair

Signature Date

Dale A Hearn
Non-Public Arbitrator

Signature Date

Tim S. Hartzell
Non-Public Arbitrator

Signature Date

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

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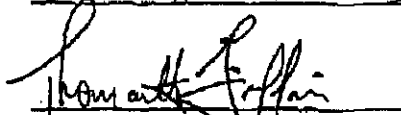
Total Fees	= \$ 2,750.00
Less payments	= \$ 1,250.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,500.00

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Tim S. Hartzell -Non-Public Arbitrator

Concurring Arbitrators' Signatures



Thomas H. Griffin
Non-Public Arbitrator, Presiding Chair

2.8-'02

Signature Date

Dale A Hearn
Non-Public Arbitrator

Signature Date

Tim S. Hartzell
Non-Public Arbitrator

Signature Date

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NASD-DR # 01-00459

P. 4 of 4

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Thomas H. Griffin
Non-Public Arbitrator, Presiding Chair

Signature Date

Dale A. Hearn
Dale A Hearn
Non-Public Arbitrator

2-9-02
Signature Date

Tim S. Hartzell
Non-Public Arbitrator

Signature Date

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

Post-It® Fax Note	7671	Date	<i>2-9-02</i>	# of pages	<i>1</i>
To	<i>ANN RESS</i>	From	<i>Dale Hearn</i>		
Co./Dept.	<i>NASD</i>	Co.	<i>STA</i>		
Phone #		Phone #	<i>281-444-8732</i>		
Fax #	<i>312-236-9839</i>	Fax #	<i>281-444-8733</i>		

Total Fees	
Less payments	= \$ 2,750.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,250.00
	= \$ 1,500.00

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Dale A. Hearn -Non-Public Arbitrator
Tim S. Hartzell -Non-Public Arbitrator

Concurring Arbitrators' Signatures

Thomas H. Griffin
Non-Public Arbitrator, Presiding Chair

Signature Date

Dale A Hearn
Non-Public Arbitrator

Signature Date

Tim Hartzell

Tim S. Hartzell
Non-Public Arbitrator

2/14/02

Signature Date

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