

AWARD
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimants

Robert D. Rubin, Trustee of the Robert D. Rubin Trust and
Parking Systems, Inc.

and

01-00809
Kansas City, Missouri

Name of Respondents

Stifel, Nicolaus & Co., Inc.
U.S. Bancorp Piper Jaffray, Inc.
Joseph J. Weinrich, Sr.

REPRESENTATION OF PARTIES

Robert D. Rubin, Trustee of the Robert D. Rubin Trust and Parking Systems, Inc. ("Claimants"), at the time of the filing of the Statement of Claim Claimants were represented by George A. Barton, Esq., The Law Offices of George A. Barton, P.C., Kansas City, Missouri. Subsequently, Claimants were represented by Michael P. Healy, Esq., The Healy Law Firm L.L.C., Kansas City, Missouri.

Stifel, Nicolaus & Co., Inc. ("Respondent Stifel"), U.S. Bancorp Piper Jaffray, Inc. ("Respondent US Bancorp") and Joseph J. Weinrich, Sr. ("Respondent Weinrich") were represented by Jeffrey J. Kalinowski, Esq., Richard H. Kuhlman, Esq. and Carrie J. Bechtold, Esq., Blackwell Sanders Peper Martin, LLP, St. Louis, Missouri. Subsequent to the filing of the Answer, Respondent Weinrich participated *pro se*.

CASE INFORMATION

The Statement of Claim in Arbitration was filed on or about February 16, 2001. Robert D. Rubin signed submission Agreement of Claimants Robert D. Rubin, Trustee of the Robert D. Rubin Trust and Parking Systems, Inc. on February 15, 2001.

Respondents Stifel, Nicolaus & Co., Inc., U.S. Bancorp Piper Jaffray, Inc. and Joseph J. Weinrich, Sr. filed Respondents' Answer to Statement of Claim on or about May 16, 2001. Forrest M. Smith signed Submission Agreement of Respondent Stifel, Nicolaus & Co., Inc. on March 5, 2001. Mark S. Reed signed Submission Agreement of Respondent U.S. Bancorp Piper Jaffray, Inc. on June 8, 2001. Submission Agreement of Respondent Joseph J. Weinrich, Sr. was signed on March 28, 2001.

CASE SUMMARY

Claimants alleged that Respondents were negligent and breached their fiduciary duties. It was alleged that Respondents Stifel and US Bancorp negligently supervised Respondent Weinrich. Claimants further alleged that Respondent Weinrich engaged in unauthorized trades. Specifically, Claimants alleged that Respondent Weinrich engaged in the consistent practice of purchasing substantial amounts of various "B" shares of a variety of mutual funds, instead of investing in "A" shares or other appropriate investments.

Respondents denied the allegations of wrongdoing set forth in the Statement of Claim. Specifically, Respondents stated that Robert Rubin is a knowledgeable investor and businessman with over twenty years experience in trading bonds and equities. It was stated that Mr. Rubin actively participated in his investments and discussed each and every transaction with Respondent Weinrich. Respondents further stated that Mr. Rubin often expressed a strong aversion to paying any "up-front" fees or "loads" on his mutual fund investments. Respondents also stated that Mr. Rubin instructed and authorized the purchases of "B" shares after fully discussing their benefits, including the avoidance of front-end load fees, as well as the potential for a back-end load.

RELIEF REQUESTED

Claimants requested the following relief:

- Respondents' return of all commissions or other compensation received by Respondent Weinrich or the brokerage firms on any of the "B" share purchases;
- Damages representing at a minimum, the differential on the operating costs of the "B" shares versus the "A" shares, for all periods of time since any of the "B" shares have been purchased;
- All arbitration costs;
- Pre arbitration award interest;
- Attorneys' fees; and
- Punitive damages in the amount of \$500,000.

Claimants specifically requested an award of \$225,000 in actual damages.

Respondents requested:

- That Claimants' claims be dismissed;
- That Claimants' requested relief be denied;
- Their costs incurred herein; and
- For such other and further relief as the arbitration panel deems just and proper.

OTHER ISSUES CONSIDERED & DECIDED

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 arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. The claims asserted in this matter shall be and hereby are denied in their entirety.
2. That to the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice.
3. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys fees.

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 = \$375.00

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(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firms are Stifel, Nicolaus & Co., Inc. and U.S. Bancorp Piper Jaffray, Inc.

Member surcharge = \$2,000.00
Pre-hearing process fee = \$ 600.00
Hearing process fee = \$3,500.00

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(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 a single arbitrator x \$450.00	= \$ 450.00
Pre-hearing conference: November 8, 2001 1 session	
One (1) Pre-hearing session with Panel x \$1,200.00	= \$1,200.00
Pre-hearing conference: September 11, 2001 1 session	
Two (2) Hearing sessions x \$1,200.00	= \$2,400.00
Hearing Date: November 28, 2001 2 sessions	
Total Forum Fees	= \$4,050.00

The Arbitration Panel has assessed \$4,050.00 of the forum fees to Robert D. Rubin, Trustee of the Robert D. Rubin Trust and Parking Systems, Inc.

Fee Summary

Claimants, Robert D. Rubin, Trustee of the Robert D. Rubin Trust and Parking Systems, Inc., shall be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$ 375.00
<u>Forum Fees</u>	= <u>\$4,050.00</u>
Total Fees	= \$4,425.00
<u>Less payments</u>	= <u>\$1,575.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$2,850.00

Respondent, Stifel, Nicolaus & Co., Inc., shall be and hereby is liable for:

<u>Member Fees</u>	= <u>\$6,100.00</u>
Total Fees	= \$6,100.00
<u>Less payments</u>	= <u>\$6,100.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

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Respondent, U.S. Bancorp Piper Jaffray, Inc., Inc., shall be and hereby is liable for:

<u>Member Fees</u>	= \$6,100.00
Total Fees	= \$6,100.00
<u>Less payments</u>	= \$6,100.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Frank D. Connett, Jr., Esq. - Public Arbitrator, Presiding Chair
Keith U. Martin, Esq. - Public Arbitrator
Will B. Tschudy - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Frank D. Connett, Jr.
Frank D. Connett, Jr., Esq.
Public Arbitrator, Presiding Chair

December 5, 2001
Signature Date

/s/ Keith U. Martin
Keith U. Martin, Esq.
Public Arbitrator

December 4, 2001
Signature Date

/s/ Will B. Tschudy
Will B. Tschudy
Non-Public Arbitrator

December 4, 2001
Signature Date

NASD Dispute Resolution, Inc.
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Award Page 5 of 5

Respondent, U.S. Bancorp Piper Jaffray, Inc., Inc., shall be and hereby is liable for:


<u>Member Fees</u>	= \$6,100.00
<u>Total Fees</u>	= \$6,100.00
<u>Less payments</u>	= \$6,100.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Frank D. Connett, Jr., Esq. - Public Arbitrator, Presiding Chair
Keith U. Martin, Esq. - Public Arbitrator
Will B. Tschudy - Non-Public Arbitrator

Concurring Arbitrators:


Frank D. Connett, Jr., Esq.
Public Arbitrator, Presiding Chair

12/6/01
Signature Date

Keith U. Martin, Esq.
Public Arbitrator

Signature Date

Will B. Tschudy
Non-Public Arbitrator

Signature Date

DEC. 4. 2001^{PM} 1:30PM^{PAX} PAYNE & JONES

NASD REGULATION

NO. 2914 P. 2/2 @007

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Arbitration No. 01-00809
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Respondent, U.S. Bancorp Piper Jaffray, Inc., shall be and hereby is liable for:

<u>Member Fees</u>	= \$6,100.00
<u>Total Fees</u>	= \$6,100.00
<u>Less payments</u>	= \$6,100.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Frank D. Connett, Jr., Esq. - Public Arbitrator, Presiding Chair
Keith U. Martin, Esq. - Public Arbitrator
Will B. Tschudy - Non-Public Arbitrator

Concurring Arbitrators:

Frank D. Connett, Jr., Esq.
Public Arbitrator, Presiding Chair

Keith U. Martin
Keith U. Martin, Esq.
Public Arbitrator

Signature Date

12-4-01
Signature Date

Will B. Tschudy
Non-Public Arbitrator

Signature Date

NASD Dispute Resolution, Inc.
Arbitration No. 01-00809
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Respondent, U.S. Bancorp Piper Jaffray, Inc., Inc., shall be and hereby is liable for:

<u>Member Fees</u>	= \$6,100.00
Total Fees	= \$6,100.00
<u>Less payments</u>	= \$6,100.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Frank D. Connett, Jr., Esq. - Public Arbitrator, Presiding Chair
Keith U. Martin, Esq. - Public Arbitrator
Will B. Tschudy - Non-Public Arbitrator

Concurring Arbitrators:

Frank D. Connett, Jr., Esq.
Public Arbitrator, Presiding Chair

Signature Date

Keith U. Martin, Esq.
Public Arbitrator

Signature Date



Will B. Tschudy
Non-Public Arbitrator

12/4/01

Signature Date