

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Joy A. Swanson, Claimant v. CIBC World Markets Corp., Larry Ray Bishop, and Carl Thomas Chaleff, Respondents

Case Number: 01-02068

Hearing Site: Seattle, Washington

REPRESENTATION OF PARTIES

For Claimant:

Kennard M. Goodman, Esq.
Ryan, Swanson & Cleveland, PLLC
Seattle, Washington

For Respondents:

Lloyd S. Clareman, Esq.
Law Offices of Lloyd S. Clareman
New York, New York

CASE INFORMATION

Statement of Claim filed: April 11, 2001

Claimant's Uniform Submission Agreement signed: May 11, 2001

Joint Statement of Answer filed by Respondents CIBC World Markets Corp., Larry Ray Bishop and Carl Thomas Chaleff: August 2, 2001

Respondent CIBC World Markets Corp.'s Uniform Submission Agreement signed: August 1, 2001

Respondent Carl Thomas Chaleff's Uniform Submission Agreement signed: August 6, 2001

Respondent Larry Ray Bishop's Uniform Submission Agreement signed: None Signed

CASE SUMMARY

Claimant alleged breach of fiduciary duty, negligence, misrepresentations or omissions of material facts, unsuitable investing, unauthorized trading, and churning, violation of Section 10(b) of the 1934 Exchange Act and Rule 10b-5, violation of RCW 21.20.010 and 19.86.020, and failure to

supervise in violation of NASD rules, in the purchase and sale of call options in her brokerage account.

Respondents denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim and asserted several affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in excess of \$500,000.00, punitive damages of \$10,000.00, and unspecified lost profits, pre-judgment interest, costs, and attorney's fees.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Larry Ray Bishop did not file with the NASD Dispute Resolution a properly executed submission agreement but is required to submit to arbitration pursuant to the Code and having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

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) Claimant's claims are denied in their entirety.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 375.00
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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 that gave rise to the dispute, claim, or controversy. Accordingly, the member firm CIBC World Markets Corp. is a party and the following fees are assessed:

Member Surcharge	= \$ 2,000.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 3,500.00</u>
Total Member Fees	= \$ 6,100.00

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:

(1) Pre-hearing conference session with the Panel @ \$1,200.00/session	= \$ 1,200.00
Pre-hearing conference: February 4, 2002	1 session
(6) Hearing sessions with the Panel @ \$1,200.00/session	= \$ 7,200.00
Hearings: November 6, 2002	2 sessions
November 7, 2002	2 sessions
November 8, 2002	2 sessions
Total Forum Fees	= \$ 8,400.00

1. The Panel assessed \$ 4,200.00 of the forum fees jointly and severally to Respondents CIBC World Markets Corp., Larry Ray Bishop and Carl Thomas Chaleff.
2. The Panel assessed \$ 4,200.00 of the forum fees to Claimant Joy A. Swanson.

Fee Summary

1. Claimant, Joy A. Swanson, is charged with the following fees and costs:

Initial Filing Fee	= \$ 375.00
<u>Forum Fees</u>	= \$ 4,200.00
Total Fees	= \$ 4,575.00
<u>Less payments</u>	= \$ (1,575.00)
Balance Due NASD Dispute Resolution	= \$ 3,000.00

2. Respondent, CIBC World Markets Corp, is charged with the following fees and costs:

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

3. Respondents, CIBC World Markets Corp, Larry Ray Bishop and Carl Thomas Chaleff are charged jointly and severally with the following fees and costs:

<u>Forum Fees</u>	= \$ 4,200.00
Total Fees	= \$ 4,200.00
<u>Less payment by CIBC World Markets Corp.</u>	= \$ (600.00)
Balance Due NASD Dispute Resolution	= \$ 3,600.00

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

ARBITRATION PANEL

<i>Elizabeth L. Morrison</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>Peter L. Sill</i>	-	<i>Public Arbitrator</i>
<i>Porter R. Taylor, Jr.</i>	-	<i>Non-Public Arbitrator</i>


Concurring Arbitrators' Signatures

ELIZABETH L. MORRISON
Chair, Public Arbitrator

Signature Date

PETER L. SILL
Public Arbitrator

Signature Date


PORTER R. TAYLOR, JR.
Non-Public Arbitrator

12/18/02
Signature Date

12/18/02
Date of Service

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Non-Public Arbitrator

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