

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

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In the Matter of the Arbitration Between:

Williams Publishing, Inc. dba Big Graphics, Claimants v. Sam Pieh and First Union Securities, Inc., Respondents

Case Number: 01-02090

Hearing Site: Portland, Oregon

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**REPRESENTATION OF PARTIES**

For Claimant:

Craig Berne, Esq.  
Harris Berne Christensen, LLP  
Portland, Oregon

For Respondents:

Lawrence R. Cock, Esq.  
Cable, Lagenback, Kinerk & Bauer, LLP  
Seattle, Washington

**CASE INFORMATION**

Statement of Claim filed: April 24, 2001

Claimant's Uniform Submission Agreement signed: April 24, 2001

Joint Statement of Answer filed by Respondents: July 6, 2001

Respondent Sam Pieh's Uniform Submission Agreement signed: November 19, 2001

Respondent First Union Securities, Inc.'s Uniform Submission Agreement signed:  
November 26, 2001

**CASE SUMMARY**

Claimant alleged failure to execute transactions, failure to supervise, breach of contract, negligence, and breach of fiduciary duty.

Respondents denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

### **RELIEF REQUESTED**

Claimants requested compensatory damages in the amount of \$49,999.99.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety, expungement of Sam Pieh's CRD record, and reimbursement of arbitration costs, including attorney's fees.

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

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, Inc. received or will collect the non-refundable filing fees for each claim as follows:

|                          |             |
|--------------------------|-------------|
| Initial claim filing fee | = \$ 175.00 |
|--------------------------|-------------|

#### **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 firm First Union Securities, Inc. is a party and the following fees are assessed:

|                  |             |
|------------------|-------------|
| Member Surcharge | = \$ 800.00 |
|------------------|-------------|

|                            |                      |
|----------------------------|----------------------|
| Pre-Hearing Process Fee    | = \$ 600.00          |
| <u>Hearing Process Fee</u> | = \$ 1,000.00        |
| <b>Total Member Fees</b>   | <b>= \$ 2,400.00</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 Panel.

The following fees are assessed:

|  |               |
|--|---------------|
| One (1) Pre-hearing conference session with the Panel @ \$600.00/session | = \$ 600.00   |
| Pre-hearing conference: November 28, 2001 1 session                      |               |
| Four (4) Hearing sessions @ \$600.00/session                             | = \$ 2,400.00 |
| Hearings: May 7, 2002 2 sessions   |               |
| May 8, 2002 2 sessions   |               |

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|                         |                      |
|-------------------------|----------------------|
| <b>Total Forum Fees</b> | <b>= \$ 3,000.00</b> |
|-------------------------|----------------------|

The Panel assessed \$3,000.00 of the forum fees to Claimant Williams Publishing, Inc. dba Big Graphics.

**Fee Summary**

1. Claimant Williams Publishing, Inc. dba Big Graphics is charged with the following fees and costs:

|  |                      |
|--|----------------------|
| Initial Filing Fee                               | = \$ 175.00          |
| <u>Forum Fees</u>                                | = \$ 3,000.00        |
| Total Fees                                       | = \$ 3,175.00        |
| <u>Less payments</u>                             | = \$( 625.00)        |
| <b>Balance Due NASD Dispute Resolution, Inc.</b> | <b>= \$ 2,550.00</b> |

2. Respondent First Union Securities, Inc. is charged with the following fees and costs:

|  |                  |
|--|------------------|
| <u>Member Fees</u>                               | = \$ 2,400.00    |
| Total Fees                                       | = \$ 2,400.00    |
| <u>Less payments</u>                             | = \$(2,400.00)   |
| <b>Balance Due NASD Dispute Resolution, Inc.</b> | <b>= \$ 0.00</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>Gerald D. Wygant, Esq.</i> | - | <i>Public Arbitrator, Presiding Chair</i> |
| <i>Clyde Fahlman</i>          | - | <i>Public Arbitrator</i>                  |
| <i>William J. Rex</i>         | - | <i>Non-Public Arbitrator</i>              |

**Concurring Arbitrators' Signatures**

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Gerald D. Wygant, Esq.  
Chair, Public Arbitrator

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Signature Date

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Clyde Fahlman  
Public Arbitrator

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Signature Date

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William J. Rex  
Non-Public Arbitrator

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Signature Date

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Date of Service

**ARBITRATION PANEL**

Gerald D. Wygant, Esq.

Clyde Fahlman

William J. Rex

Public Arbitrator, Presiding Chair

Public Arbitrator

Non-Public Arbitrator

**Concurring Arbitrators' Signatures**



Gerald D. Wygant, Esq.  
Chair, Public Arbitrator

6-11-2002

Signature Date

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Clyde Fahlman  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
William J. Rex  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

6/11/02  
Date of Service

**ARBITRATION PANEL**

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Chair, Public Arbitrator

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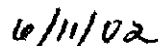


Clyde Fahlman  
Public Arbitrator

  
Signature Date

William J. Rex  
Non-Public Arbitrator

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NASD Dispute Resolution, Inc.  
Arbitration No. 01-02090  
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**ARBITRATION PANEL**

*Gerald D. Wygant, Esq.*  
*Clyde Fahlman*  
*William J. Rex*

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*Public Arbitrator, Presiding Chair*  
*Public Arbitrator*  
*Non-Public Arbitrator*

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