

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Kelsey R. Tyson, The Spectre Group, The Spectre Group MPP Plan, and The Spectre Group PS Plan, Claimants v. Glen A. Ishoy, Darrel L. Trost, and Prudential Securities, Inc., Respondents

Case Number: 02-06100

Hearing Site: Salt Lake City, Utah

Nature of Dispute: Customer v. Member Firm and Associated Persons

REPRESENTATION OF PARTIES

For Claimants:

Randall R. Heiner, Esq.
Law Office of Randall R. Heiner
Salt Lake City, Utah

Michael Goldsmith, Esq.
Law Office of Michael Goldsmith
Park City, Utah

For Respondents:

Cara L. Meredith, Esq.
Lisa M. Bertain, Esq.
Keesal, Young & Logan
San Francisco, California

CASE INFORMATION

Statement of Claim received: October 10, 2002

Amended Statement of Claim received: February 21, 2003

Claimants' Joint Uniform Submission Agreement signed: October 5, 2002

Joint Statement of Answer filed by Respondents: January 21, 2003

Joint Amended Statement of Answer filed by Respondents: March 4, 2003

Respondent Glen A. Ishoy's Uniform Submission Agreement signed: January 30, 2003

Respondent Darrel L. Trost's Uniform Submission Agreement signed: January 27, 2003

Respondent Prudential Securities Inc.'s Uniform Submission Agreement signed:
February 6, 2003

CASE SUMMARY

Claimants' Initial Statement of Claim alleged breach of contract, negligence, failure to supervise, fraud, unjust enrichment, failure to execute, breach of fiduciary duty, misrepresentation, unauthorized trading, and unsuitability in the purchase and sale of various unspecified stocks.

On February 21, 2003, Claimants filed an Amended Statement of Claim pursuant to the NASD Code of Arbitration Procedure Rule 10328(a). Claimants' Amended Statement of Claim further alleged violations of the Utah Uniform Securities Act.

Respondents' Initial and Amended Statements of Answer denied the allegations of wrongdoing set forth in the Claimants' Initial and Amended Statements of Claim and asserted several affirmative defenses, including ratification, estoppel, waiver, comparative fault, failure to mitigate damages and failure to exercise due diligence.

RELIEF REQUESTED

Claimants' Initial and Amended Statements of Claim requested \$274,000.00 in compensatory damages, \$5,000,000.00 in punitive damages, interest and costs, including attorney's fees.

Respondents' Initial and Amended Statements of Answer requested dismissal of the Claimants' Initial and Amended Statements of Claim in their entirety, an award of costs, and requested that the panel recommend the expungement of all reference to the above-captioned arbitration from Respondents Glen A. Ishoy's and Darrel L. Trost's registration records maintained by the NASD Central Registration Depository.

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, and the Parties' request for this Stipulated Award, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimants and Respondents have entered into a confidential settlement agreement.
- 2) This matter is dismissed with prejudice.
- 3) The Panel recommends the expungement of all reference to the above-captioned arbitration from Respondents Glen A. Ishoy's and Darrel L. Trost's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09 and 99-54, Respondents Glen A. Ishoy and Darrel L. Trost must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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 = \$ 600.00

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 that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Prudential Securities, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 3,350.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$ 5,500.00</u>
Total Member Fees	= \$ 9,600.00

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:

Three (3) Pre-hearing conference sessions with the Panel @ \$1,200.00/session	= \$ 3,600.00
Pre-hearing conference: May 13, 2003	1 session
May 28, 2003	1 session
June 13, 2003	1 session
Total Forum Fees	= \$ 3,600.00

- 1) The Panel assessed \$1,800.00 of the forum fees jointly and severally to Claimants.
- 2) The Panel assessed \$1,800.00 of the forum fees jointly and severally to Respondents

Fee Summary

1. Claimants are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 600.00
Forum Fees	= \$ 1,800.00
Total Fees	= \$ 2,400.00
Less payments	= \$ (1,800.00)
Balance Due NASD Dispute Resolution	= \$ 600.00

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

Member Fees	= \$ 9,600.00
Less payments	= \$ (9,600.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are charged jointly and severally for charged with the following fees and costs

Forum Fees	= \$ 1,800.00
Less payments	= \$ (0.00)
Balance Due NASD Dispute Resolution	= \$ 1,800.00

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.

Parties' Signatures



Randall R. Heiner, Esq.
For Claimants
Kelsey R. Tyson
The Spectre Group
The Spectre Group MPP Plan
The Spectre Group PS Plan

Nov. 21, 2003

Signature Date


Cara L. Meredith, Esq.
For Respondents
Glen A. Ishoy
Darrel L. Trost
Prudential Securities, Inc.

Signature Date

Parties' Signatures

Randall R. Heiner, Esq.
For Claimants
Kelsey R. Tyson
The Spectre Group
The Spectre Group MPP Plan
The Spectre Group PS Plan

Signature Date



Cara L. Meredith, Esq.
For Respondents
Glen A. Ishoy
Darrel L. Frost
Prudential Securities, Inc.

12/1/03


Signature Date

ARBITRATION PANEL

Raymond L. Betts, Esq.
Nyle G. Barnes, Esq.
Mark W. Pugsley, J.D.

Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures


RAYMOND L. BETTS, ESQ.
Chair, Public Arbitrator

12/10/03
Signature Date

NYLE G. BARNES, ESQ.
Public Arbitrator

Signature Date

MARK W. PUGSLEY, J.D.
Non-Public Arbitrator

Signature Date

December 10, 2003
Date of Service

ARBITRATION PANEL

<i>Raymond L. Betts, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>Nyle G. Barnes, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Mark W. Pugsley, J.D.</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

RAYMOND L. BETTS, ESQ.
Chair, Public Arbitrator

Signature Date

NYLE G. BARNES, ESQ.
Public Arbitrator

Signature Date


MARK W. PUGSLEY, J.D.
Non-Public Arbitrator

12/8/03
Signature Date

December 10, 2003
Date of Service

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ARBITRATION PANEL

<i>Raymond L. Betts, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>Nyle G. Barnes, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Mark W. Pugsley, J.D.</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

RAYMOND L. BETTS, ESQ.
Chair, Public Arbitrator

Signature Date



NYLE G. BARNES, ESQ.
Public Arbitrator

12.17.2003

Signature Date

MARK W. PUGSLEY, J.D.
Non-Public Arbitrator

Signature Date

Date of Service