

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Henry G. Wilson, Claimant v. Select Capital Corporation n/k/a London Pacific Securities, Inc.,  
Hoyle-Donnelly and Associates, and Herbert Ross Hein, III, Respondents

Case Number: 02-06394

Hearing Site: San Diego, California

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Nature of the Dispute:

Customer vs. Member, Non-Member and Associated Person

**REPRESENTATION OF PARTIES**

For Claimant:

Henry G. Wilson  
In Pro Per  
Vista, California

For Respondent Select Capital Corporation n/k/a  
London Pacific Securities, Inc.:

John W. Quarterman, Esq.  
London Pacific Securities, Inc.  
Sacramento, California

For Respondent Hoyle-Donnelly and Associates:

Kevin D. Hoyle  
HoyleCohen, Inc.  
San Diego, California

For Respondent Herbert Ross Hein III:

Herbert Ross Hein, III  
In Pro Per  
San Diego, California

**CASE INFORMATION**

Statement of Claim filed: October 21, 2002

Claimant's Uniform Submission Agreement signed: November 3, 2002

Statement of Answer filed by Respondent Select Capital Corporation n/k/a  
London Pacific Securities, Inc.: December 27, 2002

Statement of Answer filed by Hoyle-Donnelly and Associates: December 20, 2002

Statement of Answer received by Herbert Ross Hein, III: April 7, 2003

Respondent Select Capital Corporation n/k/a London Pacific Securities, Inc's Uniform Submission Agreement signed: December 24, 2002

Respondent Hoyle-Donnelly and Associates' Uniform Submission Agreement signed: December 20, 2002

Respondent Herbert Ross Hein, III's Uniform Submission Agreement signed: December 18, 2002

### **CASE SUMMARY**

Claimant alleged that respondent failed to sell his investment as requested creating a loss in his account. The dispute involved the purchase and/or sale of unspecified securities.

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

### **RELIEF REQUESTED**

Claimant requested \$5,920.00 in compensatory damages.

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

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

On March 4, 2003, Claimant signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

On May 21, 2003, Respondent Herbert Ross Hein, II signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

On May 27, 2003, Respondent Hoyle-Donnelly and Associates signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

On June 4, 2003, Respondent Select Capital Corporation n/k/a London Pacific Securities, Inc.'s counsel signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

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 Arbitrator 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	= \$ 250.00
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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 Select Capital Corporation n/k/a London Pacific Securities, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 325.00
<b>Total Member Fees</b>	<b>= \$ 325.00</b>

**Forum Fees and Assessments**

The Arbitrator 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. The following fees are assessed:

One (1) Pre-hearing conference session with the Chair @ \$250.00/session = \$ 250.00  
Pre-hearing conference: April 30, 2003 1 session

One (1) Hearing sessions @ \$250.00/session = \$ 250.00  
Hearing: December 2, 2003 1 session

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**Total Forum Fees = \$ 500.00**

1. The Arbitrator assessed \$250.00 of the forum fees to Claimant Henry G. Wilson.
2. The Arbitrator assessed \$250.00 of the forum fees jointly and severally to Respondents Select Capital Corporation n/k/a London Pacific Securities, Inc., Hoyle-Donnelly and Associates, and Herbert Ross Hein, III.

**Fee Summary**

1. Claimant Henry G. Wilson is charged with the following fees and costs:

Initial Filing Fee	= \$ 75.00
Forum Fees	= \$ 250.00
Total Fees	= \$ 325.00
Less payments	= \$(325.00)
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 0.00</b>
2. Respondents Select Capital Corporation n/k/a London Pacific Securities, Inc., Hoyle-Donnelly and Associates, and Herbert Ross Hein, III are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 250.00
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 250.00</b>
3. Respondent Select Capital Corporation n/k/a London Pacific Securities, Inc. is charged with the following fees and costs:

Member Fees	= \$ 325.00
Lees Payments	= \$(325.00)
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 0.00</b>

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.

**ARBITRATOR**

Greta Glavis, Esq.

Public Arbitrator, Presiding Chair

**Arbitrator's Signature**

Greta Glavis  
Greta Glavis, Esq.  
Chair, Public Arbitrator

12/15/03  
Signature Date

12/16/03  
Date of Service