

AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between

Name of Claimant

Jill Frobeen

and

Case Number: 02-06862
Hearing Site: Southfield, Michigan

Names of Respondents

Marvin Pitcock
Jan Elcock
Scott Keller

REPRESENTATION OF PARTIES

Jill Frobeen ("Claimant") appeared in pro per.

Marvin Pitcock ("Pitcock") was represented by Thomas E. Satrom, Esq., Lock Reynolds LLP, Indianapolis, Indiana as of on or about May 23, 2003.

Jan Elcock ("Elcock") and Scott Keller ("Keller") were represented by Robert N. Rapp, Esq., Calfee, Halter & Griswold, LLP, Cleveland, Ohio.

CASE INFORMATION

The Statement of Claim was filed on or about November 13, 2002. The Submission Agreement of Claimant Jill Frobeen was signed on or about November 11, 2002.

Statement of Answer was filed jointly by all Respondents on or about March 5 2003. The Submission Agreement of Respondent Marvin Pitcock was signed on or about Febrary 13, 2003. The Submission Agreement of Respondent Jan Elcock was signed on or about February 13, 2003. The Submission Agreement of Respondent Scott Keller was signed on or about March 3, 2003.

CASE SUMMARY

Claimant alleged that she was wrongfully terminated by Sammons Securities LLC. Claimant asserted that she had until December 31, 2002, to meet her \$10,000 production requirement, and that she was terminated inappropriately on or about September 17, 2002.

Unless specifically admitted in its Answer, Respondents denied the allegations made in the Statement of Claim and asserted defenses including the following: Claimant was employed as an independent contractor registered representative pursuant to the terms of a Registered Representative Agreement with an employment at will provision, Claimant was terminated by Sammons Securities for lack of production and had not sold any securities products, none of the Respondents have engaged in any act or conduct in violation of any duty, standard of care or responsibility owed to Claimant.

RELIEF REQUESTED

Claimant requested an award in the amount of \$100,000.00, including punitive damages.

Respondents requested that the claims asserted against them be denied in their entirety and that they be awarded their costs, attorney fees, and other unspecified relief.

OTHER ISSUES CONSIDERED & DECIDED

The parties agreed to have this case heard in Detroit, Michigan vicinity.

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 (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.) Claimant's claims, each and all, are denied and dismissed with prejudice;
- 2.) That other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter;
- 3.) That any relief not specifically enumerated, including punitive damages and attorney fees, is hereby denied with prejudice.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee = \$ 225.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated persons at the time of the events giving rise to the dispute. In this matter, the member firm is Sammons Securities Company, LLC.

Member surcharge = \$1,100.00
Pre-hearing process fee = \$ 750.00
Hearing process fee = \$1,700.00

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 Panel x \$750.00	= \$ 750.00
Pre-hearing conference: July 21, 2003 1 session	
Two (2) Hearing sessions x \$750.00	= \$1,500.00
Hearing Date: August 27, 2003 2 sessions	
Total Forum Fees	= \$2,250.00

The Arbitration Panel has assessed \$2,250 of the forum fees to Jill Frobeen.

Fee Summary

Claimant, Jill Frobeen, is liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$2,250.00
Total Fees	= \$2,475.00
Less payments	= \$ 975.00
Balance Due NASD Dispute Resolution	= \$1,500.00

Sammons Securities Company, LLC, is liable for:

Member Fees	= \$3,550.00
Total Fees	= \$3,550.00
Less payments	= \$1,850.00
Balance Due NASD Dispute Resolution	= \$1,700.00

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

ARBITRATION PANEL

Roland L. Olzark, J.D. - Public Arbitrator, Presiding Chair
Margaret A. Costello, Esq. - Public Arbitrator
Mark Wietchy - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Roland L. Olzark, J.D.
Roland L. Olzark, J.D.
Public Arbitrator, Presiding Chair

09/24/03
Signature Date

/s/ Margaret A. Costello, Esq.
Margaret A. Costello, Esq.
Public Arbitrator

09/23/03
Signature Date

/s/ Mark Wietchy
Mark Wietchy
Non-Public Arbitrator

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Date of Service (For NASD office use only)

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NASD Dispute Resolution
Arbitration No. 02-06882
Award Page 3 of 3

ATTN: FELICIA FOX
From: MARK WIETCHY

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