
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Richard C. Keibler
Sharlie M. Keibler

Case Number: 02-07469

Names of the Respondents

James Albert Barry, Jr.
Richard Charles Jeppson
Asset Management Securities Corp.

Hearing Site: Boca Raton, FL

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

For Richard C. Keibler ("RCK") and Sharlie M. Keibler ("SMK"), hereinafter collectively referred to as "Claimants": Hugh H. Bernstein, Esq., Law Offices of Hugh H. Bernstein, Miami, Florida.

For James Albert Barry, Jr. ("Barry"), Richard Charles Jeppson ("Jeppson") and Asset Management Securities Corp. ("AMSC") hereinafter collectively referred to as "Respondents": Allan M. Lerner, Esq., Law Offices of Allan M. Lerner, Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed on or about: December 10, 2002.

Claimants signed the Uniform Submission Agreement: December 5, 2002 and December 9, 2002.

Statement of Answer filed by Respondents on or about: February 18, 2003.

Amended Statement of Claim filed on or about: March 3, 2003.

Respondents did not submit executed Uniform Submission Agreements.

Motion to Dismiss filed by Respondents on or about: February 18, 2003.

Response to Motion to Dismiss filed by Claimants on or about: June 10, 2003.

Reply in Support of Motion to Dismiss filed by Respondents on or about: June 30, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: 1) fraud; 2) breach of fiduciary duty; 3) failure to supervise; 4) unsuitability; 5) negligence and 6) breach of contract. The causes of action relate to the purchase of variable annuities for Claimants' accounts. In addition, the causes of action also relate to the purchase and/or sale of unspecified securities products including common stock and mutual funds.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim, and affirmatively stated, among other things, that the losses in the account were due to the unprecedented market decline, Claimants approved the investment objectives, and Claimants failed to mitigate their damages. In addition, the Respondents asserted that Claimants ratified and acquiesced to the transactions in the account.

RELIEF REQUESTED

Claimants requested compensatory damages of \$350,000.00 and such other relief as is deemed just and proper.

Respondents requested that all claims against them be denied in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution, properly executed submissions to arbitration but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having answered the claim, are bound by the determination of the undersigned arbitrators (the "Panel") on all issues submitted.

On or about March 3, 2003, Claimants filed an Amended Statement of Claim deleting James Michael Barry as a Respondent and adding James Albert Barry, Jr. as a Respondent.

By Order dated September 2, 2003, the Panel denied Respondents' Motion to Dismiss.

On or about April 12, 2004, the Panel was informed that the parties had reached an accord and settlement. NASD Dispute Resolution closed its file on or about November 19, 2004.

On or about February 25, 2005, Respondents filed with NASD Dispute Resolution a Motion for Dismissal of all Claims and for the Entry of a Stipulated Award Directing Expungement. The Panel allowed the arbitration to be reopened and granted the request for expungement by order dated April 21, 2005.

Respondents submitted a corrected Motion for Dismissal of all Claims and for the Entry of a Stipulated Award Directing Expungement together with a proposed Stipulated Award on or about June 2, 2005.

This matter involved disputed claims and was settled by the parties prior to the submission of any evidence by any party, and prior to the final arbitration hearing. As no hearing was conducted, no evidence was submitted to the Panel demonstrating that any individual Respondent was culpable of any wrongdoing. It also was agreed between the parties that the claims and allegations in this cause related solely to the investment advisor and not the NASD registered broker-dealer. As such Claimants agreed to dismiss, with prejudice, all claims against Respondents AMSC, Barry and Jeppson. Accordingly the parties agreed that all references to the arbitration proceeding would be expunged from the NASD Central Registration Depository

("CRD") records of Respondents AMSC, Barry and Jeppson.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, the Motion for Dismissal of all Claims and for the Entry of a Stipulated Award Directing Expungement, the Stipulation of Expungement and Dismissal with Prejudice and the proposed Stipulated Award, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Panel recommends the expungement of all references to the above-captioned arbitration from Respondents AMSC, Barry and Jeppson's public and non-public registration records maintained by NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents AMSC, Barry and Jeppson must obtain confirmation from a court of competent jurisdiction before the NASD CRD will execute the expungement directive.
2. While the parties thus far have each accepted responsibility for their own costs and attorneys fees, the parties do agree that any additional costs incurred in having the Panel reconvene and affirm this Stipulated Award and the Petition for Expungement shall be the responsibility of Respondents.
3. Claimants' withdrawal of all claims in this proceeding with prejudice is accepted and the Respondents are hereby dismissed from this proceeding, 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	= \$300.00
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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. Accordingly, Respondent AMSC is a member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred during these proceedings.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session.

No three-day cancellation fees were incurred during these proceedings.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

No injunctive relief fees were incurred during these proceedings.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Three (3) Pre-hearing sessions with the Panel @ \$1,125.00	= \$ 3,375.00
Pre-hearing conferences:	
May 28, 2003	1 session
August 29, 2003	1 session
April 8, 2004	1 session
Seven (7) Hearing sessions with the Panel @ \$1,125.00	= \$ 7,875.00
Hearing Dates:	
January 14, 2004	2 sessions
January 15, 2004	2 sessions
January 16, 2004	2 sessions
April 12, 2004	1 session
Total Forum Fees	= \$11,250.00

The Panel has assessed \$5,625.00 of the forum fees jointly and severally to Claimants.

The Panel has assessed \$5,625.00 of the forum fees jointly and severally to Respondents.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= \$5,625.00
<u>Total Fees</u>	= \$5,925.00
<u>Less payments</u>	= \$4,575.00
Balance Due NASD Dispute Resolution	= \$1,350.00

Respondent AMSC is solely liable for:

<u>Member Fees</u>	= \$5,200.00
<u>Total Fees</u>	= \$5,200.00
<u>Less payments</u>	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents AMSC, Barry and Jeppson are jointly and severally liable for:

<u>Forum Fees</u>	= \$5,625.00
<u>Total Fees</u>	= \$5,625.00
<u>Less payments</u>	= \$5,625.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Gary M. Landau, Esq.	-	Public Arbitrator, Presiding Chairperson
Lawrence M. Green	-	Public Arbitrator
Robert C. Sauer	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____/s/
Gary M. Landau, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

_____/s/
Lawrence M. Green
Public Arbitrator

Signature Date

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/s/

Robert C. Sauer

Non-Public Arbitrator

Signature Date

June 16, 2005

Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution

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Award Page 5Fee Summary

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Less payments	= \$5,200.00
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Respondents AMSC, Barry and Jeppson are jointly and severally liable for:

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Lawrence M. Green	-	Public Arbitrator
Robert C. Sauer	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

 Gary M. Landau, Esq.
 Public Arbitrator, Presiding Chairperson

Signature Date



 Lawrence M. Green
 Public Arbitrator

06-15-05
 Signature Date

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Lawrence M. Green	-	Public Arbitrator
Robert C. Sauer	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


 Gary M. Landau, Esq.
 Public Arbitrator, Presiding Chairperson

6/16/05
 Signature Date

 Lawrence M. Green
 Public Arbitrator

 Signature Date

Arbitration No. 02-07469

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Robert Bauer

Robert C. Sauer

Non-Public Arbitrator

6-15-65

Signature Date

Date of Service (For NASD Dispute Resolution office use only)