

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Karalee K. Wurster, FBO Gerald Scott Wurster Trust and Carl F. Wurster, TTEE, Claimants v.
Richard L. Kerbs and Brookstreet Securities Corporation, Respondents

Case Number: 02-07862

Hearing Site: Salt Lake City, Utah

Nature of Dispute: Customers v. Associated Person and Member Firm

REPRESENTATION OF PARTIES

For Claimants:

Karalee K. Wurster
In Pro Se
Boise, Idaho

For Respondents:

H. Thomas Fehn, Esq.
Fields, Fehn & Sherwin
Los Angeles, California

CASE INFORMATION

Statement of Claim filed: December 24, 2002

Claimant Karalee K. Wurster FBO Gerald Scott Wurster Trust's Uniform Submission Agreement
signed: January 16, 2003

Claimant Carl F. Wurster TTEE's Uniform Submission Agreement signed: March 1, 2003

Joint Statement of Answer filed by Respondents: May 7, 2003

Respondent Richard L. Kerbs' Uniform Submission Agreement signed: May 9, 2003

Respondent Brookstreet Securities Corporation's Uniform Submission Agreement signed:
Undated

CASE SUMMARY

Claimants alleged failure to execute the sale of Micron stock.

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

RELIEF REQUESTED

Claimants requested unspecified damages.

Respondents requested dismissal of the Claimants' Statement of Claim in its entirety and attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing, the parties stipulated to proceed with only two public 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 Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimants' 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 Brookstreet Securities Corporation is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	= \$ 2,200.00
Total Member Fees	= \$ 4,450.00

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 Panel. The following fees are assessed:

(1) Pre-hearing conference session with the Panel @ \$1,000.00/session	= \$1,000.00
Pre-hearing conference: September 10, 2003	1 session

(1) Hearing session @ \$1,000.00/session	= \$1,000.00
Hearing: February 3, 2004	1 session

Total Forum Fees	= \$2,000.00
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1. The Panel assessed \$1,000.00 of the forum fees jointly and severally to Claimants.
2. The Panel assessed \$1,000.00 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	= \$ 250.00
Forum Fees	= \$ 1,000.00
Total Fees	= \$ 1,250.00
Less payments	= \$(1,250.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent Brookstreet Securities Corporation is charged with the following fees and costs:

Member Fees	= \$ 4,450.00
Less payments	= \$(6,400.00)
Refund Due Respondent	= \$(1,950.00)

3. Respondents Brookstreet Securities Corporation and Richard L. Kerbs are charged jointly and severally with the following fees and costs:

Forum Fee	= \$ 1,000.00
Less payments by Brookstreet Securities Corporation	= \$(1,000.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

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.

ARBITRATION PANEL

George H. Speciale, Esq.

Public Arbitrator, Presiding Chair

N. Todd Leishman

Public Arbitrator

Concurring Arbitrators' Signatures


George H. Speciale, Esq.
Chair, Public Arbitrator

Feb 6, 2004
Signature Date

N. Todd Leishman
Public Arbitrator

Signature Date

February 9, 2004
Date of Service

ARBITRATION PANEL

George H. Speciale, Esq.	-	Public Arbitrator, Presiding Chair
N. Todd Leishman	-	Public Arbitrator

Concurring Arbitrators' Signatures

George H. Speciale, Esq.
Chair, Public Arbitrator

Signature Date


N. Todd Leishman
Public Arbitrator

9 February 2004
Signature Date

February 9, 2004
Date of Service