

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Peter M. Horvath, as an Individual and as Co-Trustee of the Horvath Family Trust and Susan A. Horvath, as Co-Trustee of the Horvath Family Trust, Claimants v. Raymond James Financial Services, Inc. and William R. Shinen, Respondents

Case Number: 03-00018

Hearing Site: Los Angeles, California

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

REPRESENTATION OF PARTIES

For Claimants:

Thomas E. Francis, Esq.
Bohm, Francis, Kegal & Aguilera LLP
Costa Mesa, California

For Respondents:

Chad Weaver, Esq.
Edgerton & Weaver LLP
Hermosa Beach, California

CASE INFORMATION

Statement of Claim filed: December 26, 2002

Claimants' Uniform Submission Agreement signed: December 5, 2002

Respondents' Joint Statement of Answer filed: May 23, 2003

Respondent Raymond James Financial Services, Inc.'s Uniform Submission Agreement signed:
July 28, 2003

Respondent William R. Shinen's Uniform Submission Agreement signed: August 6, 2003

CASE SUMMARY

Claimants alleged breach of fiduciary duty, negligence, suitability, deceptive sales practices, improper use of margin, and fraud. Claimants' allegations concerned a Family Trust Account and an Individual Retirement Account and involved the purchase of shares in Winstar Communications, Inc. and JDS Uniphase Corp. stock.

Respondents denied the allegations of wrongdoing set forth in the Claimants' statement of Claim and raised various affirmative defenses.

RELIEF REQUESTED

Claimants requested \$900,000.00 in compensatory damages and unspecified interest.

Respondents requested dismissal with prejudice of the Claimants' Statement of Claim in its entirety and costs, including attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

On July 15, 2003, Claimants and Claimants' 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.

Pursuant to the Code of Arbitration Procedure IM-10100, the waiver of the Claimants shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom the Claim has been filed.

On March 18, 2004, NASD Dispute Resolution received Claimants' notice of dismissal with prejudice of all claims against Respondent William R. Shinen.

On May 18, 2004, NASD Dispute Resolution received Claimants' notice of settlement and dismissal with prejudice of all claims.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be entered.

AWARD

After considering the pleadings, testimony, 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. Claimants' claims are dismissed with prejudice in their entirety.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent William R. Shinen'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, Respondent William R. Shinen must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
4. The parties shall bear their respective costs, including attorney's fees.
5. All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code of Arbitration Procedure ("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	= \$ 375.00
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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 Raymond James Financial Services, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 2,250.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 4,000.00
Total Member Fees	= \$ 7,000.00

Adjournment Fees

The following adjournment fees are assessed:

March 16-19, 2004 adjournment jointly requested by the parties	= \$ 1,200.00
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1. The Panel assessed \$600.00 of the adjournment fees jointly and severally to Claimants.
2. The Panel assessed \$600.00 of the adjournment fees jointly and severally to Respondents.

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 forum fees are assessed:

Two (2) Pre-hearing conference sessions with the Panel @ \$ 1,200.00/session	= \$ 2,400.00
Pre-hearing conferences: September 10, 2003	1 session
March 12, 2004	1 session

Total Forum Fees	= \$ 2,400.00
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1. The Panel assessed \$ 1,200.00 of the forum fees jointly and severally to Claimants.
2. The Panel assessed \$ 1,200.00 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	= \$ 375.00
Adjournment Fee	= \$ 600.00
<u>Forum Fees</u>	<u>= \$ 1,200.00</u>
Total Fees	= \$ 2,175.00
<u>Less payments</u>	<u>= \$ (2,775.00)</u>
Refund due Claimants	= \$ (600.00)

2. Respondent Raymond James Financial Services, Inc. is charged with the following fees and costs:

Member Fees	= \$ 7,000.00
<u>Less Payments</u>	<u>= \$ (7,000.00)</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents Raymond James Financial Services, Inc. and William R. Shinen are charged jointly and severally with the following fees and costs:

Adjournment Fee	= \$ 600.00
Forum Fees	= \$ 1,200.00
Total 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.

ARBITRATION PANEL

Joel Mark, Esq.	-	Public Arbitrator, Presiding Chair
Christopher E. Turner	-	Public Arbitrator
Michael G. Clark	-	Non-Public Arbitrator

Joel Mark, Esq.
Chair, Public Arbitrator

Signature Date

Christopher E. Turner
Public Arbitrator

Signature Date

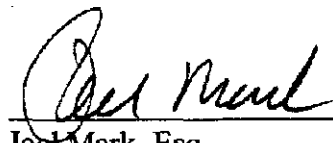
Michael G. Clark
Non-Public Arbitrator

Signature Date

Date of Service

ARBITRATION PANEL

Joel Mark, Esq.	-	Public Arbitrator, Presiding Chair
Christopher E. Turner	-	Public Arbitrator
Michael G. Clark	-	Non-Public Arbitrator



Joel Mark, Esq.
Chair, Public Arbitrator

11/4/04
Signature Date

Christopher E. Turner
Public Arbitrator

Signature Date

Michael G. Clark
Non-Public Arbitrator

Signature Date

11/9/04
Date of Service

ARBITRATION PANEL

Joel Mark, Esq.	-	Public Arbitrator, Presiding Chair
Christopher E. Turner	-	Public Arbitrator
Michael G. Clark	-	Non-Public Arbitrator

Joel Mark, Esq.
Chair, Public Arbitrator

Signature Date

Christopher E. Turner
Christopher E. Turner
Public Arbitrator

10.28.04
Signature Date

Michael G. Clark
Non-Public Arbitrator

Signature Date

11/9/04
Date of Service

ARBITRATION PANEL


Joel Mark, Esq.	-	Public Arbitrator, Presiding Chair
Christopher E. Turner	-	Public Arbitrator
Michael G. Clark	-	Non-Public Arbitrator

Joel Mark, Esq.
Chair, Public Arbitrator

Signature Date

Christopher E. Turner
Public Arbitrator

Signature Date



Michael G. Clark
Non-Public Arbitrator

October 29, 2004
Signature Date

11/9/04
Date of Service