

Award
NASD Dispute Resolution

ORIGINAL

In the Matter of the Arbitration Between:

David P. Young and Phyllis B. Young, Trustees, UTD 2/27/93 fbo and David P. Young, IRA,
Claimants v. Wedbush Morgan Securities Inc., Stephen E. Stock, Sr., and Wayne E. Bieniasz,
Respondents

Case Number: 03-01443

Hearing Site: Las Vegas, Nevada

Nature of Dispute: Customer v. Member Firm and Associated Persons

REPRESENTATION OF PARTIES

For Claimants:

Alan L. Sachs, Esq.
The Law Office of George D. Greenberg
Las Vegas, Nevada

For Respondents:

Judy Louie, Esq.
Wedbush Morgan Securities
Los Angeles, California

CASE INFORMATION

Statement of Claim received: February 20, 2003

Claimants' Joint Uniform Submission Agreement signed: February 19, 2003

Joint Statement of Answer filed by Respondents: May 5, 2003

Respondent Wedbush Morgan Securities, Inc.'s Uniform Submission Agreement signed:
April 30, 2003

Respondent Stephen E. Stock, Sr.'s Uniform Submission Agreement signed: April 10, 2003

Respondent Wayne E. Bieniasz's Uniform Submission Agreement signed: April 30, 2003

CASE SUMMARY

Claimants' Statement of Claim alleged breach of fiduciary duty, breach of contract, common law fraud, negligence, failure to supervise, omission of facts, misrepresentation, non-disclosure, unsuitability, violations of NYSE Rule 405, and NASD Rule 2310. Claimants' allegations concerned the purchase and sale of shares in the John Hancock Technology Fund and the common stock of Qualcomm, Sonicblue, Stratosphere, Qwest, Tyco, and Williams Companies.

Respondents denied the allegations of wrongdoing set forth in the Claimants' Statement of Claim and asserted affirmative defenses.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$301,826.59, unspecified punitive damages, interest and costs, including attorney's fees.

Respondents requested dismissal of the Claimants' Statement of Claim in its entirety and an award of costs.

OTHER ISSUES CONSIDERED AND DECIDED

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) Claimants' request for punitive damages is denied.
- 3) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Stephen E. Stock, Sr.'s registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Stephen E. Stock, Sr. must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
- 4) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Wayne E. Bieniasz's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Wayne E. Bieniasz must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
- 5) The parties shall bear their respective costs, including attorney's fees.
- 6) 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	= \$ 300.00
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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 Wedbush Morgan Securities Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,700.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	= \$ 2,750.00
Total Member Fees	= \$ 5,200.00

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:

One (1) Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$ 1,125.00
Pre-hearing conference: October 3, 2003 1 session	
Five (5) Hearing sessions with the Panel @ \$ 1,125.00/session	= \$ 5,625.00
Hearings: January 14, 2004 1 session	
January 15, 2004 2 sessions	
January 16, 2004 2 sessions	
Total Forum Fees	= \$ 6,750.00

- 1) The Panel assessed \$3,375.00 of the forum fees jointly and severally to Claimants.
- 2) The Panel assessed \$3,375.00 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	= \$ 300.00
Forum Fees	= \$ 3,375.00
Total Fees	= \$ 3,675.00
Less payments	= \$ (300.00)
Balance Due NASD Dispute Resolution	= \$ 3,375.00

2. Respondent Wedbush Morgan Securities Inc. is charged with the following fees and costs:

Member Fees	= \$ 5,200.00
Less payments	= \$ (5,200.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents Wedbush Morgan Securities Inc., Stephen E. Stock, Sr., and Wayne E. Bieniasz are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 3,375.00
Less payments	= \$ (0.00)
Balance Due NASD Dispute Resolution	= \$ 3,375.00

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

Neil J. Beller, Esq.	-	Public Arbitrator, Presiding Chair
Gloria J. Moore, Esq.	-	Public Arbitrator
James Thomas Flynn, Jr.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

NEIL J. BELLER, ESQ.
Chair, Public Arbitrator

Signature Date



GLORIA J. MOORE, ESQ.
Public Arbitrator

1/22/2004

Signature Date

JAMES THOMAS FLYNN, JR.
Non-Public Arbitrator

Signature Date

1/22/04

Date of Service

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