

**Stipulated Award
NASD Dispute Resolution**

COPY

In the Matter of the Arbitration Between:

Joanne Giudicelli and Roger Giudicelli, Claimants v. Kurt W. Rauzi, Rauzi Neeley Armanino & Powers, Ltd., Navitas, Ltd. and ePLANNING Securities, Inc., Respondents

Case Number: 03-02355

Hearing Site: San Francisco, California

Nature of the Dispute: Customers v. Non-Members, Member and Associated Person

REPRESENTATION OF PARTIES

For Claimants:

Dennis J. Canty, Esq.
Pinnacle Law Group LLP
San Francisco, California

For Respondents:

Joseph E. Floren, Esq.
Morgan, Lewis & Bockius LLP
San Francisco, California

CASE INFORMATION

Statement of Claim filed: March 31, 2003

Claimants' Uniform Submission Agreement filed: April 7, 2003

Joint Statement of Answer and Motion to Dismiss filed by Respondents Kurt W. Rauzi, Rauzi Neeley Armanino & Powers, Ltd., Navitas, Ltd. and ePLANNING Securities, Inc.: July 23, 2003

CASE SUMMARY

Claimants alleged breach of fiduciary duty, professional negligence and fraud in connection with their investments made at the recommendation of Respondents. Claimants' claim involved investments in Forte Ventures II, LLC.

Respondents denied Claimants' allegations of wrongdoing and denied any liability to Claimants. Respondents also asserted affirmative defenses.

RELIEF REQUESTED

Claimants requested general and special damages in an amount to be proved at the hearing, including commissions paid to Respondents and the earnings Claimants would have had if the

accounts had been professionally and appropriately managed, punitive and exemplary damages, attorneys' fees, and legal interest.

Respondents requested:

1. That Claimants take nothing, and that the Statement of Claim be dismissed in its entirety;
2. Costs and forum fees; and
3. Such other and further relief as the Panel may deem appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

On June 19, 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.

On November 21, 2003, Respondents' 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.

Respondents Kurt W. Rauzi and ePLANNING Securities, Inc. did not file with NASD Dispute Resolution ("NASD-DR") properly executed Uniform Submission Agreements but are required to submit to arbitration pursuant to the NASD-DR Code of Arbitration Procedure ("the Code") and, having answered Claimants' Claim, are bound by the determination of the Panel on all issues submitted

On or about April 15, 2004, the Panel reviewed and considered the positions of the parties relative to the Motion to Dismiss by Respondents Rauzi Neeley Armanino & Powers, Ltd. and Navitas, Ltd. The Panel denied the Motion without prejudice to the renewal of the Motion during the evidentiary hearing in this matter.

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

AWARD

Pursuant to the attached stipulation reached by the parties, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Panel confirms that all claims in this case are dismissed.
2. The Panel recommends the expungement of all reference to the above-captioned arbitration from Respondent Kurt W. Rauzi's registration records maintained by the NASD Central

Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Kurt W. Rauzi must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

3. Each party shall bear its own costs, including attorney's fees.
4. All other relief not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD-DR 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 which gave rise to the dispute, claim, or controversy. Accordingly, the member firm ePLANNING Securities, Inc. 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

Adjournment Fees

The following adjournment fees are assessed:

The Panel granted the parties' request of July 1, 2004, to postpone the July 20-23, 2004, hearing dates. The Panel assessed the \$1,000.00 adjournment fee as follows: 50% jointly and severally to Claimants; and 50% jointly and severally to Respondents Kurt W. Rauzi, Rauzi Neeley Armanino & Powers, Ltd., Navitas, Ltd. and ePLANNING Securities, Inc.

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 or postponed or settled during the hearing.

Cancellation of December 14-17, 2004 hearing dates: = \$300.00

The Panel assessed \$150.00 in cancellation fees jointly and severally to Claimants.

The Panel assessed \$150.00 in cancellation fees jointly and severally to Respondents Kurt W. Rauzi, Rauzi Neeley Armanino & Powers, Ltd., Navitas, Ltd. and ePLANNING Securities, Inc.

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 Chair/Panel. The following fees are assessed:

(4) Pre-hearing conference sessions with a single arbitrator @ \$450.00/session = \$1,800.00

Pre-hearing conferences:	May 25, 2004	1 session
	June 21, 2004	1 session
	June 25, 2004	1 session
	September 10, 2004	1 session

(4) Pre-hearing conference sessions with the Panel @ \$1,000.00/session = \$4,000.00

Pre-hearing conferences:	February 17, 2004	1 session
	April 15, 2004	1 session
	July 13, 2004	1 session
	July 20, 2004	1 session

(1) Hearing session @ \$1,000.00/session = \$1,000.00

Hearing Date:	December 13, 2004	1 session
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Total Forum Fees = \$6,800.00

1. The Panel assessed \$2,675.00 of the forum fees jointly and severally to Claimants.
2. The Panel assessed \$4,125.00 of the forum fees jointly and severally to Respondents Kurt W. Rauzi, Rauzi Neeley Armanino & Powers, Ltd., Navitas, Ltd. and ePLANNING Securities, Inc.

Fee Summary

1. Claimants are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 250.00
Adjournment Fee	= \$ 500.00
Three-Day Cancellation Fee	= \$ 150.00
Forum Fees	= \$ 2,675.00
Total Fees	= \$ 3,575.00
Less payments	= \$(1,900.00)
Balance Due NASD-DR	= \$ 1,675.00

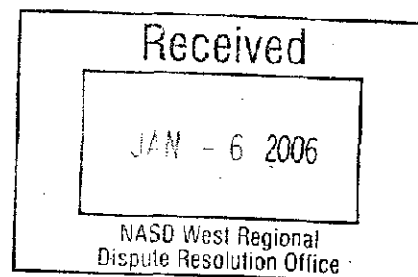
2. Respondent ePLANNING Securities, Inc. is charged with the following fees and costs:

Member Fees	= \$ 4,450.00
Less payments	= \$(4,450.00)
Balance Due NASD-DR	= \$ 0.00

3. Respondents Kurt W. Rauzi, Rauzi Neeley Armanino & Powers, Ltd., Navitas, Ltd. and ePLANNING Securities, Inc. are charged jointly and severally with the following fees and costs:

Adjournment Fee	= \$ 500.00
Three-Day Cancellation Fee	= \$ 150.00
Forum Fees	= \$ 4,125.00
Total Fees	= \$ 4,775.00
Less payments	= \$(0.00)
Balance Due NASD-DR	= \$ 4,775.00

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

Edwin C. Shiver, Esq.	-	Public Arbitrator, Presiding Chair
Leo T. McCarthy, J.D	-	Public Arbitrator
James R. Dickson	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

A handwritten signature in cursive script, appearing to read "Edwin C. Shiver".

Edwin C. Shiver, Esq.
Chair, Public Arbitrator

12/30/2005
Signature Date

Leo T. McCarthy, J.D
Public Arbitrator

Signature Date

James R. Dickson
Non-Public Arbitrator

Signature Date

1/9/06
Date of Service

ARBITRATION PANEL

Edwin C. Shiver, Esq.	-	Public Arbitrator, Presiding Chair
Leo T. McCarthy, J.D	-	Public Arbitrator
James R. Dickson	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Edwin C. Shiver, Esq.
Chair, Public Arbitrator

Signature Date

Leo T. McCarthy
Leo T. McCarthy, J.D
Public Arbitrator

January 3 2006
Signature Date

James R. Dickson
Non-Public Arbitrator

Signature Date

1/9/06
Date of Service

ARBITRATION PANEL

Edwin C. Shiver, Esq.	-	Public Arbitrator, Presiding Chair
Leo T. McCarthy, J.D	-	Public Arbitrator
James R. Dickson	-	Non-Public Arbitrator

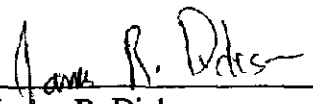
Concurring Arbitrators' Signatures

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Chair, Public Arbitrator

Signature Date

Leo T. McCarthy, J.D
Public Arbitrator

Signature Date



James R. Dickson
Non-Public Arbitrator

12/30/05
Signature Date

1/9/06
Date of Service

IN ARBITRATION BEFORE
THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

JOANNE GIUDICELLI and ROGER
GIUDICELLI

Claimants,

v.

KURT RAUZI, et al.,

Respondents.

CASE NO. 03-02355

**STIPULATION FOR AWARD OF
DISMISSAL AND EXPUNGEMENT**

All parties to this arbitration stipulate and agree as follows:

1. The parties reached and have now concluded a voluntary settlement of this dispute. The settlement did not involve any monetary payment by Kurt Rauzi or any of the other Respondents.
2. Claimants hereby withdraw and request the dismissal of their claims as to Respondents Navitas, Ltd., and Rauzi, Neely, Armanino & Powers Ltd.
3. As a material term of the parties' settlement, and in order to avoid further proceedings in this matter, Claimants and Respondents hereby respectfully request that the panel enter a final Award dismissing all claims and recommending the expungement of this matter from the Central Registration Depository ("CRD") record of Kurt W. Rauzi in the following terms:

"The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Kurt W. Rauzi's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, this Award must be confirmed in a court of competent jurisdiction before the CRD will execute the expungement directive."

4. All further forum fees (i.e., other than those that the Panel has assessed to one party or the other) should be assessed equally to Claimant and Respondents.

IT IS SO STIPULATED

ePLANNING Securities, Inc.

Joanne K. Giudicelli

By: Timothy A. Meneges
An Officer or Authorized ~~Representative~~ *AFO & Secretary*

Roger N. Giudicelli

Kurt W. Rauzi

APPROVED AS TO FORM:
PINNACLE LAW GROUP LLP

APPROVED AS TO FORM:
STEEFEL, LEVITT & WEISS
A Professional Corporation

By: _____
Dennis J. Canty
Attorneys for Claimants

By: Joseph E. Floren
Joseph E. Floren
Attorneys for Respondents

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Attorneys for Claimants

By: _____

Joseph E. Floren
Attorneys for Respondents

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Roger M. Giudicelli

Kurt W. Ranzi

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By: 
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Attorneys for Claimants

By: _____
Joseph E. Floren
Attorneys for Respondents