

**STIPULATED AWARD  
NASD Dispute Resolution**

---

In the Matter of the Arbitration Between

Name of Claimant

Stephen and Judith Jackson

and

03-02821  
Kansas City, Missouri

Name of Respondents

UBS Financial Services Inc.  
FBD Investment Services, Inc.  
NFP, Securities, Inc.  
Michael Richard Juffa  
Michael Fred Zanders  
Michael S. Underwood

---

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

**REPRESENTATION OF PARTIES**

Stephen and Judith Jackson ("Claimants") were represented by Robert Bertsch, Esq., Bertsch & Associates, P.C., Port Washington, New York.

UBS Financial Services Inc. ("Respondent UBS") and Michael S. Underwood ("Respondent Underwood") were represented by David L. Goldberg, Esq., UBS PaineWebber, Inc., New York, New York.

FBD Investment Services, Inc. ("Respondent FBD"), NFP, Securities, Inc. ("Respondent NFP"), Michael Richard Juffa ("Respondent Juffa") and Michael Fred Zanders ("Respondent Zanders") hereinafter referred to as ("Respondents") were represented by James Duncan, Esq. and David A. Jermann, Esq., Armstrong Teasdale, LLP, Kansas City, Missouri.

**CASE INFORMATION**

The Statement of Claim was filed on or about April 8, 2003. First Amended Statement of Claim was filed on or about February 17, 2005. Submission Agreement of Claimant Stephen and Judith Jackson was signed on April 8, 2003.

Statement of Answer was filed by Respondent UBS Financial Services Inc. on or about July 25, 2003. Submission Agreement of Respondent UBS Financial Services Inc. was signed on July 16, 2003. Submission Agreement of Respondent Michael S. Underwood was signed on July 21, 2003.

### **CASE SUMMARY**

Claimants asserted the following causes of action: unsuitability, breach of fiduciary duty, violations of the Securities Exchange Act, failure to supervise and churning.

Respondents deny all allegations of wrongdoing set forth in the Claimants' Statement of Claim and First Amended Statement of Claim and asserted various affirmative defenses.

### **RELIEF REQUESTED**

In the original Statement of Claim, Claimants requested an award of compensatory damages in the amount of \$189,118.30, interest, costs, and disbursements.

In the First Amended Statement of Claim, Claimants requested compensatory damages of at least \$84,526.27, an award of interest and punitive damages.

Respondents desire that Claimants' claims be denied in all respects and that any reference to this matter be expunged from the registration records of Respondents Michael Richard Juffa and Michael Fred Zanders.

### **OTHER ISSUES CONSIDERED & DECIDED**

Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned arbitrators have determined that Respondents FBD Investment Services, Inc., NFP, Securities, Inc., Michael Richard Juffa, and Michael Fred Zanders have been properly served with the Statement of Claim and First Amended Statement of Claim pursuant to Rule 10314 of the NASD Code of Arbitration Procedure (the "Code"). The undersigned arbitrators have also determined that Respondent UBS Financial Services Inc., FBD Investment Services, Inc., NFP, Securities, Inc., Michael Richard Juffa, and Michael Fred Zanders have received due notice of the hearing as required under Rule 10315 of the Code and that arbitration of the matter would proceed pursuant to Rule 10318 of the Code.

Respondents FBD Investment Services, Inc., NFP, Securities, Inc., Michael Richard Juffa and Michael Fred Zanders did not file with the NASD Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code") and having stipulated to the entry of this Stipulated Award are bound by the determination of the arbitration panel on all issues submitted.

The parties advised NASD Dispute Resolution that they entered into an agreement to settle this matter on certain terms and conditions set forth in a confidential settlement agreement.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies. The parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution (the "NASD").

### **AWARD**

After considering the pleadings and the stipulation of the parties, but without making any findings of fact or conclusions of law, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination and find as follows:

1. The parties have stipulated that the claims asserted by Claimants Stephen and Judith Jackson against Respondents FBD Invesemtent, Inc., NFP Securities, Inc., Michael Richard Juffa and Michael Fred Zanders are factually impossible and are based on false allegations of fact.
2. The Panel recommends the expungement of all references to the above captioned arbitration from Respondents Michael Richard Juffa and Michael Fred Zanders' 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, Respondents Michael Richard Juffa and Michael Fred Zanders must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. Any and all relief not specifically addressed herein is denied.

### **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

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm(s) are UBS Financial Services Inc., FBD Investment Services, Inc. and NFP, Securities.

Member surcharge	\$	1,700.00
Pre-hearing process fee	\$	750.00
Hearing process fee	\$	2,750.00
Total Member Fees	\$	5,200.00

### **Forum Fees and Assessments**

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

3 Pre-hearing session(s) with Panel	x	1,125.00	\$	3,375.00
December 19, 2003	1	session		
February 16, 2005	1	session		
July 20, 2005	1	session		
Total Forum Fees			\$	3,375.00

The Arbitration Panel has assessed \$1,687.50 of the forum fees to Stephen and Judith Jackson.  
The Arbitration Panel has assessed \$562.50 of the forum fees to UBS Financial Services Inc.  
The Arbitration Panel has assessed \$1,125.00 of the forum fees jointly and severally to FBD Investment Services, Inc., NFP, Securities, Inc., Michael Richard Juffa, and Michael Fred Zanders.

### **Fee Summary**

Claimants, Stephen and Judith Jackson shall be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$	300.00
<u>Forum Fees</u>	= \$	1,687.50
Total Fees	= \$	1,987.50
Less payments	= \$	-1,425.00
<u>Plus previous refund</u>	= \$	562.50
Balance Due NASD Dispute Resolution	= \$	1,125.00

Respondent, UBS Financial Services Inc., shall be and hereby is liable for:

Member Fees	= \$	5,200.00
<u>Forum Fees</u>	= \$	562.50
Total Fees	= \$	5,762.50
<u>Less payments</u>	= \$	-5,700.00

NASD Dispute Resolution  
Arbitration No. 03-02821  
Stipulated Award Page 5 of 6

Balance Due NASD Dispute Resolution = \$ 62.50

Respondent, FBD Investment Services, Inc., shall be and hereby is liable for:

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

Respondent, NFP, Securities, Inc., shall be and hereby is liable for:

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

Respondents, FBD Investment Services, Inc., NFP, Securities, Inc., Michael Richard Juffa, and Michael Fred Zanders, shall be and hereby are jointly and severally liable for:


Forum Fees	= \$	1,125.00
Total Fees	= \$	1,125.00
Less payments	= \$	-0.00
Balance Due NASD Dispute Resolution	= \$	1,125.00

All balances are due to NASD Dispute Resolution

**ARBITRATION PANEL**

Murray S. Levin, Esq. - Public Arbitrator, Presiding Chair  
Keith U. Martin, Esq. - Public Arbitrator  
Jerry L. Kaempfe - Non-Public Arbitrator

Concurring Arbitrators:

  
Murray S. Levin, Esq.  
Public Arbitrator, Presiding Chair

3/6/06  
Signature Date

\_\_\_\_\_  
Keith U. Martin, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

NASD Dispute Resolution  
 Arbitration No. 03-02821  
Stipulated Award Page 5 of 6

MAR 22 2006

Balance Due NASD Dispute Resolution = \$ 62.50

Respondent, FBD Investment Services, Inc., shall be and hereby is liable for:

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

Respondent, NFP, Securities, Inc., shall be and hereby is liable for:

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

Respondents, FBD Investment Services, Inc., NFP, Securities, Inc., Michael Richard Juffa, and Michael Fred Zanders, shall be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	= \$	1,125.00
Total Fees	= \$	1,125.00
<u>Less payments</u>	= \$	-0.00
Balance Due NASD Dispute Resolution	= \$	1,125.00


All balances are due to NASD Dispute Resolution

### ARBITRATION PANEL

Murray S. Levin, Esq. - Public Arbitrator, Presiding Chair  
 Keith U. Martin, Esq. - Public Arbitrator  
 Jerry L. Kaempfe - Non-Public Arbitrator

Concurring Arbitrators:

Murray S. Levin, Esq.  
 Public Arbitrator, Presiding Chair

  
 Keith U. Martin, Esq.  
 Public Arbitrator

Signature Date

  
 Signature Date

Feb 27 06 05:34p  
02/27/2006 16:29 FAX

Jerry Kaempfe  
NASD

(785) 625-4960

P.8  
007/001

NASD Dispute Resolution  
Arbitration No. 03-02821  
Stipulated Award Page 6 of 6

Jerry L. Kaempfe  
Jerry L. Kaempfe  
Non-Public Arbitrator

2-27-2006  
Signature Date

3/6/06  
Date of Service (For NASD office use only)