

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimants

Case Number: 03-03198

Richard Gutierrez, individually and on behalf
of his IRA and Evon Gutierrez

Name of the Respondents

Hearing Site: Charlotte, North Carolina

Bruce Elliot Rich
Adam Todd Forman

Nature of the Dispute: Customers vs. Associated Persons.

REPRESENTATION OF PARTIES

Claimants Richard Gutierrez, individually and on behalf of his IRA and Evon Gutierrez, hereinafter collectively referred to as "Claimants", appeared pro se at the hearing.

Respondent Bruce Elliot Rich ("Rich") appeared pro se at the hearing.

Respondent Adam Todd Forman ("Forman") was represented by Delmer C. Gowling, III, Esq., Attorney at Law, Delray Beach, Florida and settled prior to the hearing in this matter.

CASE INFORMATION

Statement of Claim filed on April 27, 2003.

Claimants signed the Uniform Submission Agreement on April 25, 2003.

Statement of Answer filed by Respondent Forman on June 27, 2003.

Respondent Forman signed the Uniform Submission Agreement on June 24, 2003.

Claimants' Reply to Respondent Forman's Statement of Answer was filed on July 11, 2003.

Statement of Answer filed by Respondent Rich on July 25, 2003.

Respondent Rich signed the Uniform Submission Agreement on July 22, 2003.

Claimants' Reply to Respondent Rich's Statement of Answer was filed on July 30, 2003.

CASE SUMMARY

Claimants asserted the following causes of action, among others: unauthorized transactions, failure to execute, unsuitability, and negligence. The causes of action relate to the purchase and sale of CPFS and BSDS stock.

Unless specifically admitted in his Answer, Respondent Rich denied the allegations made in the Statement of Claim and asserted the following defenses, among others: waiver, ratification, estoppel, assumption of risk, any alleged damages were caused by someone other than

Respondent Rich, and Respondent Rich acted with due diligence and good faith at all times.

RELIEF REQUESTED

Claimants in their Statement of Claim requested \$96,262.50 in compensatory damages.

Respondent Rich in his Statement of Answer requested that Claimants' claims be dismissed in their entirety, an award of costs and attorney's fees be award to Respondent Rich, and such other and further relief as the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Prior to the hearing on this matter, Claimant settled all claims against Respondent Forman.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims against Respondent Rich are denied in their entirety;
2. The parties shall bear their respective costs, including attorney's fees, except as Fees are specifically addressed below; and,
3. Any and all relief not specifically addressed herein is denied in its entirety.

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 = \$ 225.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly, Florida Discount Securities is the Respondents' former firm.

Member surcharge	waived
Pre-hearing process fee	waived
Hearing process fee	waived

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A 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:

One (1) Pre-hearing session with a single arbitrator @ \$450.00 = \$ 450.00
Pre-hearing conference: March 19, 2004 1 session

One (1) Pre-hearing session with Panel @ \$750.00 = \$ 750.00
Pre-hearing conference: December 11, 2003 1 session

One (1) Hearing session @ \$750.00 = \$ 750.00
Hearing Date: June 23, 2004 1 session

Total Forum Fees = \$1,950.00

1. The Panel has assessed \$975.00 of the forum fees to Claimants, jointly and severally.
2. The Panel has assessed \$975.00 of the forum fees to Respondent Rich.

EEE SUMMARY

1. Claimants are jointly and severally assessed and shall pay the following fees:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	<u>= \$ 975.00</u>
Total Fees	= \$1,200.00
<u>Less payments</u>	<u>= \$ 975.00</u>
Balance Due NASD Dispute Resolution	= \$ 225.00
2. Respondent Rich is assessed and shall pay the following fees:

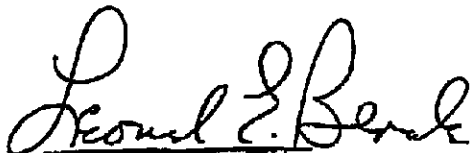
<u>Forum Fees</u>	<u>= \$ 975.00</u>
Total Fees	= \$ 975.00
<u>Less payments</u>	<u>= \$ 975.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Leonard E. Benade	-	Public Arbitrator, Presiding Chairperson
George Szontagh	-	Public Arbitrator, Panelist
M. Bruce Adelberg	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Leonard E. Benade
Public Arbitrator, Presiding Chairperson

6/28/04
Signature Date

George Szontagh
Public Arbitrator, Panelist

Signature Date

M. Bruce Adelberg
Non-Public Arbitrator, Panelist

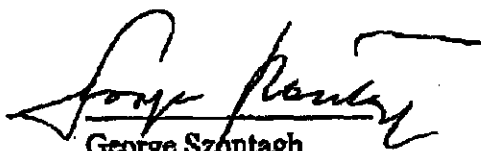
Signature Date

July 1, 2004
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Leonard E. Benade
Public Arbitrator, Presiding Chairperson

Signature Date


George Szontagh
Public Arbitrator, Panelist

June 30, 2004
Signature Date

M. Bruce Adelberg
Non-Public Arbitrator, Panelist

Signature Date

July 1, 2004
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Leonard E. Benade
Public Arbitrator, Presiding Chairperson

Signature Date

George Szontagh
Public Arbitrator, Panelist

Signature Date

M. Bruce Adelberg
M. Bruce Adelberg
Non-Public Arbitrator, Panelist

6/29/04
Signature Date

July 1, 2004
Date of Service (For NASD Dispute Resolution office use only)