

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Renate L. Gardner, Claimant v. Pacific West Securities, Inc., David L. Baker, Shanon L. Ford and
Erinn J. Ford, Respondents

Case Number: 03-04547

Hearing Site: Salt Lake City, Utah

Nature of Dispute: Customer v. Member and Associated Persons

REPRESENTATION OF PARTIES

For Claimant:

Randall Heiner, Esq.
Law Offices of Randall Heiner
Salt Lake City, Utah

For Respondents:

Mark Roth, Esq.
Golbeck Roth & Colachis, PLLC
Seattle, Washington

CASE INFORMATION

Statement of Claim filed: June 19, 2003

Claimant's Uniform Submission Agreement signed: June 17, 2003

Joint Statement of Answer filed by Respondents: September 9, 2003

Respondent Pacific West Securities, Inc.'s Uniform Submission Agreement: None filed

Respondent David L. Baker's Uniform Submission Agreement signed: September 4, 2003

Respondent Shanon L. Ford's Uniform Submission Agreement: None filed

Respondent Erinn J. Ford's Uniform Submission Agreement: None filed

CASE SUMMARY

In his Statement of Claim, Claimant alleged violations of the anti-fraud provisions of the Utah Uniform Securities Act, breach of fiduciary duty, breach of contract and negligence against all Respondents, and negligent supervision against Respondent Pacific West Securities, Inc. Claimant also sought to recover from Respondent Pacific West Securities, Inc. under a theory of respondeat superior.

Respondents denied the allegations of wrongdoing as set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested treble the compensatory damages in the sum of \$468,114.00, (\$156,038.00 times three), treble interest at 12%, treble attorneys' fees, costs of suit, post-judgment interest, and unspecified punitive damages according to proof at hearing.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety, costs, and attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Pacific West Securities, Inc., Shanon L. Ford and Erinn J. Ford did not file with the NASD Dispute Resolution properly executed submission agreements but are required to submit to arbitration pursuant to the Code are bound by the determination of the Panel on all issues submitted.

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.

STIPULATION

It is hereby stipulated by Claimant and the Individual Respondents, by and through their undersigned attorneys of record, that:

Claimant and Respondents have resolved all differences between them relating to this arbitration and stipulate to the dismissal of Claimant's claims against Respondents in their entirety.

It is further stipulated and agreed that an award be rendered directing expungement of any reference to the above-referenced arbitration from Respondents David L. Baker, Shanon L. Ford and Erinn J. Ford's registration records, maintained by the NASD Central Registration Depository

("CRD"), with the understanding that pursuant to NASD Notice to Members 99-54, said Respondents must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

It is further stipulated and agreed that Claimant and Respondents will each bear their own expenses and costs incurred herein, including attorneys' fees.

STIPULATED AWARD

After considering the Claimant's and Respondents' stipulation of dismissal and request to enter an award directing the expungement of any reference to the above-referenced arbitration from Respondents David L. Baker, Shanon L. Ford and Erinn J. Ford's registration records, and after reviewing the pleadings, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) The panel recommends the expungement of all reference to the above captioned arbitration from Respondent David L. Baker'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 David L. Baker must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
- 2) The panel recommends the expungement of all reference to the above captioned arbitration from Respondent Shanon L. Ford'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 Shanon L. Ford must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
- 3) The panel recommends the expungement of all reference to the above captioned arbitration from Respondent Erinn J. Ford'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 Erinn J. Ford 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 Pacific West Securities, Inc. is a party and the following fees are assessed:

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 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:

(2) Pre-hearing conference sessions with the Panel @ \$1,125.00/session	= \$ 2,250.00
Pre-hearing conferences:	
December 1, 2003	1 session
April 4, 2004	1 session
Total Forum Fees	= \$ 2,250.00

1. The Panel assessed \$1,125.00 of the forum fees to Claimant.
2. The Panel assessed \$1,125.00 of the forum fees jointly and severally to Respondents.

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Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,425.00
Less payments	= \$(1,425.00)
Balance Due NASD Dispute Resolution	= \$(0.00)

2. Respondent Pacific West 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 Pacific West Securities, Inc., David L. Baker, Shanon L. Ford and Erinn J. Ford are charged jointly and severally with the following fees and costs:

Forum Fees	= \$1,125.00
Balance Due NASD Dispute Resolution	= \$1,125.00

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.

Parties Signatures



Randall Heiner, Esq.
Attorney for and on behalf of
Claimant

Aug. 9, 2004

Signature Date

Golbeck Roth & Colachis, PLLC



By: Mark Roth, Esq.
Attorneys for and on behalf
Of Respondents


Aug. 13, 2004

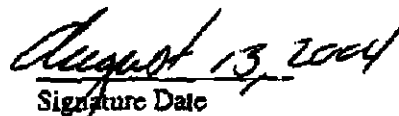
Signature Date

ARBITRATION PANEL

Langdon T. Owen, Jr., Esq. - Public Arbitrator, Presiding Chair
Richard J. Lawrence, Esq. - Public Arbitrator
Elwood A. Crandall - Non-Public Arbitrator

Concurring Arbitrators' Signatures


Langdon T. Owen, Jr., Esq.
Chair, Public Arbitrator



Signature Date

Richard J. Lawrence, Esq.
Public Arbitrator

Signature Date

Elwood A. Crandall
Non-Public Arbitrator

Signature Date


Date of Service

ARBITRATION PANEL

Langdon T. Owen, Jr., Esq. - Public Arbitrator, Presiding Chair
Richard J. Lawrence, Esq. - Public Arbitrator
Elwood A. Crandall - Non-Public Arbitrator

Concurring Arbitrators' Signatures

Langdon T. Owen, Jr., Esq.
Chair, Public Arbitrator

Signature Date

Richard J. Lawrence, Esq.
Public Arbitrator

See Below

Aug 23, 2004
Signature Date

Elwood A. Crandall
Non-Public Arbitrator

Signature Date

I cannot concur in this Settlement.
The Panel held no hearing. The Settlement 8/23/04
is between the parties and I do not Date of Service
see why a Panel that was dismissed because the parties had
settled would now be asked to concur in such settlement.
I believe I have no information to either concur or dissent.

ARBITRATION PANEL

Langdon T. Owen, Jr., Esq.	-	Public Arbitrator, Presiding Chair
Richard J. Lawrence, Esq.	-	Public Arbitrator
Elwood A. Crandall	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Langdon T. Owen, Jr, Esq.
Chair, Public Arbitrator

Signature Date

Richard J. Lawrence, Esq.
Public Arbitrator

Signature Date



Elwood A. Crandall
Non-Public Arbitrator

8/20/04

Signature Date

8/23/04

Date of Service