
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Alan Sara
Carol Sara

Case Number: 04-04353

Names of the Respondents

UBS Financial Services, Inc.
Steven Warch

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Alan Sara ("A. Sara") and Carol Sara ("C. Sara"), hereinafter collectively referred to as "Claimants": Randall W. Henley, Esq., Law Office of Randall W. Henley, West Palm Beach, Florida.

For UBS Financial Services, Inc. ("UBS") and Steven Warch ("Warch"), hereinafter collectively referred to as "Respondents": Rebecca E. Swenson, Esq., Associate General Counsel, UBS Financial Services, Inc., Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed on or about: June 21, 2004.

Claimants signed but did not date the Uniform Submission Agreement.

Statement of Answer filed on or about: September 1, 2004.

Respondent UBS signed the Uniform Submission Agreement: June 29, 2004.

Respondent Warch signed the Uniform Submission Agreement: October 1, 2004.

Joint Motion for Entry of a Stipulated Award filed by the parties on or about: June 3, 2005.

Motion for Reconsideration (of Joint Motion for Entry of a Stipulated Award) and Request for Evidentiary Hearing filed by Respondents on or about: June 20, 2005.

Response to Respondents' Motion for Reconsideration and Request for Evidentiary Hearing filed by Claimants on or about: June 24, 2005.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty and negligence. The causes of action relate to Claimants' investments in various unspecified equities.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim, and asserted various defenses.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$54,000.00, interest, costs, attorneys' fees and such other relief as deemed just by the Panel.

Respondents requested that the Panel enter an award dismissing the Statement of Claim in its entirety and granting such other and further relief as deemed just and proper by the Panel, including assessment of all forum fees against Claimants. Respondent Warch also requested that the Panel enter an order directing the NASD to expunge all references to this matter from his Central Registration Depository ("CRD") records.

OTHER ISSUES CONSIDERED AND DECIDED

On or about April 27, 2005, Claimants filed a Notice of Dropping Party, withdrawing their claims against Respondent Warch and dismissing him from this matter.

On or about June 6, 2005, Claimants filed with NASD Dispute Resolution a notice of settlement.

On or about June 20, 2005, the Panel denied the parties' Joint Motion for Entry of a Stipulated Award.

On or about August 1, 2005, the Panel issued an Order granting Respondents' Motion for Reconsideration regarding Respondent Warch's request for expungement.

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

AWARD

After considering the pleadings, proposed Stipulated Award submitted by the parties, and evidence presented during the telephonic evidentiary hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Based upon the affidavit that was filed by Claimant, A. Sara, in which he states that he now understands that the recommendations made by Respondents were consistent with his investment objectives and risk tolerance, as stated in his UBS new account form, and in which he further states that he does not believe that Respondent Warch committed any violation of the securities laws or engaged in any other wrongdoing, the Panel recommends that all references to the above-captioned arbitration be expunged from Respondent Warch's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notice to Members 04-16, Respondent Warch must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the Panel has made the following affirmative findings of fact:

Upon consideration of the facts stipulated on the record during the telephonic evidentiary hearing, the Panel finds that the claims of Claimants were clearly erroneous.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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 firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent UBS is a party and member firm.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$1,700.00</u>
Total Member Fees	= \$3,550.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournment fees assessed during these proceedings.

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:

There were no three-day cancellation fees assessed during these proceedings.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

There were no injunctive relief fees assessed during these proceedings.

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:

Two (2) Pre-hearing sessions with the Panel @ \$750.00/session	= \$1,500.00
Pre-hearing conferences: November 4, 2004	1 session
July 27, 2005	1 session

Total Forum Fees	= \$1,500.00
------------------	--------------

The Panel has assessed forum fees of \$375.00 jointly and severally to Claimants.

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

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	= \$ 375.00
Total Fees	= \$ 600.00
<u>Less payments</u>	= \$ 600.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent UBS is solely liable for:

<u>Member Fees</u>	= \$3,550.00
Total Fees	= \$3,550.00
<u>Less payments</u>	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Peter H. Barber, Esq.	-	Public Arbitrator, Presiding Chairperson
Arthur C. Bivins, III	-	Public Arbitrator
Cary L. Weissman	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____/s/_____
Peter H. Barber, Esq.
Public Arbitrator, Presiding Chairperson

August 4, 2005
Signature Date

_____/s/_____
Arthur C. Bivins, III
Public Arbitrator

August 3, 2005
Signature Date

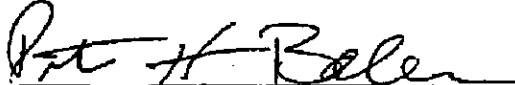
_____/s/_____
Cary L. Weissman
Non-Public Arbitrator

August 2, 2005
Signature Date

August 8, 2005
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 04-04353
Stipulated Award Page 5

Concurring Arbitrators' Signatures



Peter H. Barber, Esq.
Public Arbitrator, Presiding Chairperson

8.4.05

Signature Date

Arthur C. Bivins, III
Public Arbitrator

Signature Date

Cary L. Weissman
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution

Arbitration No. 04-04353

Stipulated Award Page 5

Concurring Arbitrators' Signatures

Peter H. Barber, Esq.

Public Arbitrator, Presiding Chairperson



Arthur C. Bivins, III

Public Arbitrator

Signature Date

08/03/05

Signature Date

Cary L. Weissman

Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 04-04353
Stipulated Award Page 5


Concurring Arbitrators' Signatures

Peter H. Barber, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Arthur C. Bivins, III
Public Arbitrator

Signature Date


Cary L. Weissman
Non-Public Arbitrator


Signature Date

Date of Service (For NASD Dispute Resolution office use only)