

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Charlene Sparlin, Conservator of the Roy K. Sparlin Estate, Claimant v. Strand, Atkinson  
Williams & York, Inc., Respondent

Case Number: 04-07151

Hearing Site: Portland, Oregon

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Nature of the Dispute: Customer v. Member

**REPRESENTATION OF PARTIES**

For Claimant:

Lynn S. Walsh, Esq.  
Law Office of Lynn Walsh  
Portland, Oregon

For Respondent:

Bruce L. Campbell, Esq.  
Miller Nash LLP  
Portland, Oregon

**CASE INFORMATION**

Statement of Claim filed: October 6, 2004

Claimant's Uniform Submission Agreement signed: October 28, 2004

Statement of Answer filed by Respondent: December 28, 2004

Respondent's Uniform Submission Agreement signed: February 22, 2006

**CASE SUMMARY**

Claimant alleged negligence and unsuitability involving investments in the following equity mutual funds: Putnam Voyager Funds C1-A, Putnam Global Equity Fund C1-A, Putnam Investors Fund C1-A, Putnam OTC & Emerging Growth C1-A, Putnam Research Fund C1-A.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim and asserted various affirmative defenses.

### **RELIEF REQUESTED**

Claimant requested \$81,000.00 in compensatory damages, lost opportunity damages, pre- and post-judgment interest and costs, including attorney's fees.

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

### **OTHER ISSUES CONSIDERED AND DECIDED**

At the close of Claimant's case at the evidentiary hearing, Respondent moved the Panel for a Directed Verdict. The Panel heard oral argument and after due deliberation, the Panel denied the motion.

At the hearing, Respondent moved the Panel for an order of expungement. After due deliberation, the Panel denied the request for expungement.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

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

- 1) Claimant's claims are denied in their entirety.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) 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	= \$ 225.00
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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 Strand, Atkinson, Williams & York, Inc is a party and the following fees are assessed:

Member Surcharge	= \$ 1,100.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$ 1,700.00</u>
<b>Total Member Fees</b>	<b>= \$ 3,550.00</b>

#### **Adjournment Fees**

The following adjournment fees are assessed:

November 1-4, 2005, adjournment requested by Claimant	Waived
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#### **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 or the parties and the Panel. The following fees are assessed:

(1) Pre-hearing conference session with the Panel @ \$750.00/session	= \$ 750.00
Pre-hearing conference: February 22, 2005	1 session
(3) Hearing sessions @ \$750.00/session	= \$ 2,250.00
Hearings: February 21, 2006	2 sessions
February 22, 2006	1 session

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<b>Total Forum Fees</b>	<b>= \$ 3,000.00</b>
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1. The Panel assessed \$1,500.00 of the forum fees to Claimant.
2. The Panel assessed \$1,500.00 of the forum fees Respondent.

**Fee Summary**

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

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	= \$1,500.00
Total Fees	= \$ 1,725.00
<u>Less payments</u>	= \$( 975.00)
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 750.00</b>

2. Respondent is charged with the following fees and costs:

Member Fees	= \$ 3,550.00
<u>Forum Fees</u>	= \$ 1,500.00
Total Fees	= \$ 5,050.00
<u>Less payments</u>	= \$(3,550.00)
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 1,500.00</b>

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

Stan F. Kapustka, J.D.	-	Public Arbitrator, Presiding Chair	James
John Jurinski, JD	-	Public Arbitrator	
Michael John Scott	-	Non-Public Arbitrator	

Concurring Arbitrators' Signatures



Stan F. Kapustka, J.D.  
Chair, Public Arbitrator

3/3/06  
Signature Date

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James John Jurinski, JD  
Public Arbitrator

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Signature Date

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Michael John Scott  
Non-Public Arbitrator

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Signature Date

3/3/06  
Date of Service

**ARBITRATION PANEL**

Stan F. Kapustka, J.D.	-	Public Arbitrator, Presiding Chair
James John Jurinski, JD	-	Public Arbitrator
Michael John Scott	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

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Stan F. Kapustka, J.D.  
Chair, Public Arbitrator

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Signature Date

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*James John Jurinski*  
James John Jurinski, JD  
Public Arbitrator

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*03/01/06*  
Signature Date

\_\_\_\_\_  
Michael John Scott  
Non-Public Arbitrator

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

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*3/3/06*  
Date of Service

**ARBITRATION PANEL**

Stan F. Kapustka, J.D.  
John Jurinski, JD  
Michael John Scott

- Public Arbitrator, Presiding Chair James  
- Public Arbitrator  
- Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

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Stan F. Kapustka, J.D.  
Chair, Public Arbitrator

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Signature Date

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James John Jurinski, JD  
Public Arbitrator

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Signature Date



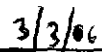
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Michael John Scott  
Non-Public Arbitrator



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Signature Date



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Date of Service