

---

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

---

In the Matter of the Arbitration Between:

Name of the Claimant

UBS International, Inc.

Case Number: 05-00855

Name of the Respondent

Jose Ivan Jimenez

Hearing Site: Boca Raton, Florida

---

Nature of the Dispute: Member vs. Associated Person.

**REPRESENTATION OF PARTIES**

For UBS International, Inc., hereinafter referred to as "Claimant": Lisa A. Catalano, Esq., Davidson & Grannum, LLP, Orangeburg, New York.

For Jose Ivan Jimenez, hereinafter referred to as "Respondent": David Chase, Esq., Hollywood, Florida.

**CASE INFORMATION**

Statement of Claim filed on or about: February 16, 2005.

Claimant signed the Uniform Submission Agreement: February 3, 2005.

Statement of Answer and Counterclaim filed by Respondent on or about: May 10, 2005.

Respondent signed the Uniform Submission Agreement: August 16, 2005.

Answer to Counterclaim, Motion to Dismiss, Motion to Strike and Motion for Summary Judgment filed by Claimant on or about: June 8, 2005.

Response to Motion to Dismiss, Motion to Strike and Motion for Summary Judgment filed by Respondent on or about: July 26, 2005.

Motion to Reconsider Motion to Dismiss, Motion to Strike and Motion for Summary Judgment filed by Claimant on or about: September 1, 2005.

Response to Motion to Reconsider Motion to Dismiss, Motion to Strike and Motion for Summary Judgment filed by Respondent on or about: September 6, 2005.

Reply to Response to Motion to Reconsider Motion to Dismiss, Motion to Strike and Motion for Summary Judgment filed by Claimant on or about: September 8, 2005.

**CASE SUMMARY**

Claimant asserted the cause of action of breach of promissory note. The cause of action relates to the termination of Respondent's employment and monies due pursuant to the terms of said promissory note.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses. In addition, Respondent filed a counterclaim alleging fraudulent inducement and defamation.

Unless specifically admitted in its Answer to the Counterclaim, Claimant denied the allegations made in the counterclaim and asserted various affirmative defenses

### **RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$108,427.60, interest from March 8, 2004 till date of payment, costs, attorney's fees and such other and further relief as this Panel deemed just and equitable.

Respondent requested a finding that he has no liability under the loan and an award on his counterclaim of an unspecified amount of compensatory damages, punitive damages, pre and post-judgment interest, attorney's fees pursuant to the terms of the loan, costs and such other relief as deemed appropriated by the Panel.

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

On or about August 1, 2005, the Panel issued an Order that denied Claimant's Motion to Dismiss, Motion to Strike and Motion for Summary Judgment.

On or about September 13, 2005, the Panel issued an Order that denied Claimant's Motion to Reconsider.

On February 20, 2006, the parties notified NASD Dispute Resolution that they had settled this matter and would be submitting a proposed Stipulated Award for the modification of Respondent's Central Registration Depository (the "CRD") Form U-5.

On March 7, 2006, the parties submitted to NASD Dispute Resolution a proposed Stipulated Award, which included the proposed changes to Respondent's CRD Form U-5. The parties stated that they had fully and finally settled all claims by and between them and that they were submitting this proposed Stipulated Award for the Panel's consideration.

On March 13, 2006, the parties advised NASD Dispute Resolution that they jointly agree to accept the non-public panel as presently constituted.

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

### **AWARD**

After considering the pleadings and the proposed Stipulated Award with request for modification of Respondent's CRD Form U-5, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel recommends the expungement from Respondent's Form U-5 filed by UBS International Inc. (CRD # 107726) of all references to Claimant's termination based upon unauthorized trading in Respondent's NASD CRD. The termination comment as reported in question 3 of Respondent's Form U-5 shall be changed from "the registered representative engaged in unauthorized discretionary trading for a customer account" to "the

registered representative exercised discretion for a customer account without having required firm paperwork signed”.

Each party shall bear their respective costs, including attorney’s fees, in connection with this arbitration proceeding.

Any and all claims for relief not specifically addressed herein, including Respondent’s request for punitive damages, are denied.

### **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	= \$ 1,000.00
Counterclaim filing fee	= \$ 250.00

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Claimant is a party to this dispute and was a member of NASD at the time the following fees were assessed:

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

#### **Adjournment Fees**

No requests for adjournments were filed in this matter.

#### **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:

No cancellation fees were assessed in this matter.

#### **Injunctive Relief Fees**

No injunctive relief fees were incurred during this proceeding.

#### **Forum Fees and Assessments**

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

No hearings were held in this matter.

**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.

No administrative costs were incurred during this proceeding.

**Fee Summary**

Claimant is solely liable for:

Initial Filing Fee	= \$ 1,000.00
<u>Member Fees</u>	= \$ 5,200.00
Total Fees	= \$ 6,200.00
<u>Less payments</u>	= \$ 6,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent is solely liable for:

<u>Filing Fee</u>	= \$ 250.00
Total Fees	= \$ 250.00
<u>Less payments</u>	= \$ 250.00
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**

<i>Robert S. Natiss</i>	-	<i>Non-Public Arbitrator, Presiding Chairperson</i>
<i>Bernard (Bob) L. Loring</i>	-	<i>Non-Public Arbitrator</i>
<i>Herbert Schwartz</i>	-	<i>Non-Public Arbitrator</i>

**Concurring Arbitrators' Signatures**

\_\_\_\_\_/s/  
Robert S. Natiss  
Non-Public Arbitrator, Presiding Chairperson

\_\_\_\_\_  
3/29/06  
Signature Date

\_\_\_\_\_/s/  
Bernard (Bob) L. Loring  
Non-Public Arbitrator

\_\_\_\_\_  
3/29/06  
Signature Date

/s/  
Herbert Schwartz  
Non-Public Arbitrator

3/30/06  
Signature Date

3/31/06  
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution  
 Arbitration No.05-00855  
Stipulated Award Page 4

No hearings were held in this matter.

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.

No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	== \$ 1,000.00
<u>Member Fees</u>	== \$ 5,200.00
Total Fees	== \$ 6,200.00
<u>Less payments</u>	== \$ 6,200.00
Balance Due NASD Dispute Resolution	== \$ 0.00

Respondent is solely liable for:

Filing Fee	== \$ 250.00
Total Fees	== \$ 250.00
<u>Less payments</u>	== \$ 250.00
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

Robert S. Natiss	- Non-Public Arbitrator, Presiding Chairperson
Bernard (Bob) L. Loring	- Non-Public Arbitrator
Herbert Schwartz	- Non-Public Arbitrator

Concurring Arbitrators' Signatures



Robert S. Natiss  
 Non-Public Arbitrator, Presiding Chairperson

3-19-06

Signature Date

Bernard (Bob) L. Loring  
 Non-Public Arbitrator

Signature Date

NASD Dispute Resolution  
Arbitration No.05-00855  
Stipulated Award Page 4

No hearings were held in this matter.

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.

No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 1,000.00
<u>Member Fees</u>	<u>= \$ 5,200.00</u>
Total Fees	= \$ 6,200.00
<u>Less payments</u>	<u>= \$ 6,200.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent is solely liable for:

<u>Filing Fee</u>	<u>= \$ 250.00</u>
Total Fees	= \$ 250.00
<u>Less payments</u>	<u>= \$ 250.00</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.

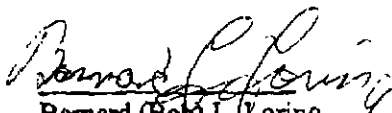
ARBITRATION PANEL

Robert S. Natiss	-	Non-Public Arbutorator, Presiding Chairperson
Bernard (Bob) L. Loring	-	Non-Public Arbitrator
Herbert Schwartz	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

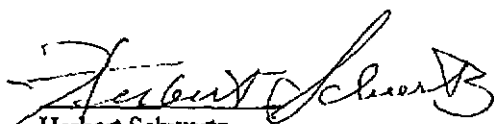
Robert S. Natiss  
Non-Public Arbitrator, Presiding Chairperson

Signature Date

  
Bernard (Bob) L. Loring  
Non-Public Arbitrator

3-27-2006  
Signature Date

NASD Dispute Resolution  
Arbitration No.05-00855  
Stipulated Award Page 5



Herbert Schwartz  
Non-Public Arbitrator

3/30/06  
Signature Date

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