

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Douglas J. McCaslin and David R. Thomas, Claimants v. Conservatorship of the Estate of Curtis J. Hendricks, Respondent

Case Number: 05-02537

Hearing Site: Portland, Oregon

Nature of the Dispute: Associated Persons v. Customer

REPRESENTATION OF PARTIES

For Claimants:

Thomas C. Sand, Esq.
Miller Nash LLP
Portland, Oregon

For Respondent:

James R. Cartwright, Esq.
Cartwright & Associates
Portland, Oregon

CASE INFORMATION

Statement of Claim filed: May 12, 2005

Claimants' Joint Uniform Submission Agreement signed: May 27, 2005

Statement of Answer filed by Respondent: June 8, 2005

Respondent's Uniform Submission Agreement signed: June 7, 2005

CASE SUMMARY / RELIEF REQUESTED

Claimants requested an Award recommending expungement of all references to NASD Arbitration No. 03-02784 from their CRD records.

Respondent did not object to the relief sought by Claimants.

FINDINGS AND CONCLUSIONS

The Arbitrator finds that this arbitration matter arises from an underlying case entitled Conservatorship of Curtis J. Hendricks v. UBS PaineWebber, Doug McCaslin and David Thomas Case No. 03-02784 which was filed prior to April 2004. Accordingly, the Arbitrator finds that the Expungement Rule 2130 which came into effect on April 12, 2004, does not apply to this case.

OTHER ISSUES CONSIDERED AND DECIDED

The parties agreed that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings and testimony, the Arbitrator decided in full and final resolution of the issues submitted for determination as follows:

- 1) The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Douglas J. McCaslin's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Douglas J. McCaslin must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
- 2) The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent David Thomas' registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent David Thomas must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
- 3) The parties shall bear their respective costs, including attorney's fees.
- 4) 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	= \$ 250.00
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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 UBS Financial Services Inc. employed the Claimants at the time of the events giving rise to this dispute and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
<u>Pre-Hearing Process Fee</u>	<u>= \$ 750.00</u>
Total Member Fees	= \$ 2,250.00

Forum Fees and Assessments

The Arbitrator 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 Arbitrator. The following fees are assessed:

(1) Pre-hearing conference session with a single arbitrator @ \$ 450.00/session	= \$ 450.00
Pre-hearing conference: July 26, 2005	1 session

Total Forum Fees	= \$ 450.00
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The Arbitrator assessed \$450.00 of the forum fees to Claimants jointly and severally.

Fee Summary

1. Claimants are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 250.00
Forum Fees	= \$ 450.00
Total Fees	= \$ 700.00
Less payments	= \$(1,250.00)
Refund Due Claimants	= \$ (550.00)

2. UBS Financial Services Inc. is charged with the following fees and costs:

Member Fees	= \$ 2,250.00
Less payments	= \$(2,250.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

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.

NASD Dispute Resolution
Arbitration No. 05-02537
Award Page 5 of 5

ARBITRATOR

Nina Vallion

Public Arbitrator, Presiding Chair

Arbitrator's Signature

Nina Vallion

Nina Vallion
Chair, Public Arbitrator

Aug 27.05

Signature Date

8/29/05

Date of Service