

## **AWARD**

### **NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION**

In the matter of the Arbitration Between

**Name of Claimant**

Ron Pelleg

v.

Arbitration No.  
95-03071

**Name of Respondents**

PaineWebber, Inc., Baraban Securities, and ETI Solutions, Inc.

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### **REPRESENTATION**

For Claimant:

L. Stephen Albright, Esq.  
Wasserman, Comden & Casselman  
Tarzana, California

For Respondent:

Robert A. Uhl, Esq.  
Robert A. Uhl, Inc.  
Beverly Hills, California

### **CASE INFORMATION**

Statement of Claim filed:	June 20, 1995
Claimant's Submission Agreement signed:	June 13, 1995
Statement of Answer filed by Respondent Baraban Securities:	October 30, 1995
Respondent Baraban Securities' Submission Agreement signed:	October 27, 1995

### **HEARING INFORMATION**

Pre-Hearing Conference Dates / Sessions: December 5, 1996 (1 Session)  
December 13, 1996 (1 Session)

Hearing Dates / Sessions: July 8, 1997 (2 Sessions)  
July 9, 1997 (2 Sessions)

Hearing Location: Los Angeles, California

### **CASE SUMMARY**

Claimant alleged that Respondents engaged in fraudulent misrepresentation and negligence in the solicitation of Claimant regarding a private placement investment in ETI Solutions, Inc.

Respondent Baraban Securities denied the allegations of wrongdoing and liability found in the Statement of Claim.

ETI Solutions, Inc. did not submit to the jurisdiction of the NASD.

PaineWebber, Inc. was withdrawn as a Respondent by the Claimant.

### **RELIEF REQUESTED**

Claimant requested that the Arbitration Panel rescind Claimant's purchase of 10,000 shares of ETI common stock for \$25,000.00. Claimant also requested costs, including reasonable attorney's fees to Claimant.

Respondent Baraban requested that the Claimant's claims be dismissed with prejudice.

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

The parties have agreed that the Award in this matter may be executed in either counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the original remains on file with the NASD Regulation, Inc., Office of Dispute Resolution.

### AWARD

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

1. All of the Claimant's claims are denied in their entirety.
2. The Parties shall each bear their respective costs, including attorney's fees.

### FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following forum fees are assessed:

One Full Panel Pre-Hearing Conference Session @ \$400.00/Session	=	\$400.00
One Single-Member Pre-Hearing Conference Session @ \$300.00/Session	=	\$300.00
Four Hearing Sessions @ \$400.00/Session	=	\$1,600.00
<u>Total Fees Assessed</u>	<u>=</u>	<u>\$2,300.00</u>
 Claimant's one-half share	 =	 \$1,150.00
Credit for Hearing Session Deposit	=	\$300.00
<u>Total Balance Due</u>	<u>=</u>	<u>\$850.00</u>
  Respondent Baraban Securities' one-half share	  =	  \$1,150.00
<u>Total Balance Due</u>	<u>=</u>	<u>\$1,150.00</u>

Fees are payable to NASD Regulation, Inc.

**ARBITRATORS**

Name	Public / Industry
Merton A. Bobo, Esq.	Public
Milton C. Bennett	Industry
Thornton V. Allen, Jr.	Public

Concurring Arbitrators' Signatures

  
Merton A. Bobo, Esq.

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Milton C. Bennett

\_\_\_\_\_  
Thornton V. Allen, Jr.

Date of Service: \_\_\_\_\_

**ARBITRATORS**

<u>Name</u> .....	<u>Public / Industry</u>
Merton A. Bobo, Esq.	Public
Milton C. Bennett	Industry
Thornton V. Allen, Jr.	Public

**Concurring Arbitrators' Signatures**

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Merton A. Bobo, Esq.



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Milton C. Bennett

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Thornton V. Allen, Jr.

Date of Service: \_\_\_\_\_

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<u>Name</u> .....	<u>Public / Industry</u>
Merton A. Bobo, Esq.	Public
Milton C. Bennett	Industry
Thornton V. Allen, Jr.	Public

### Concurring Arbitrators' Signatures

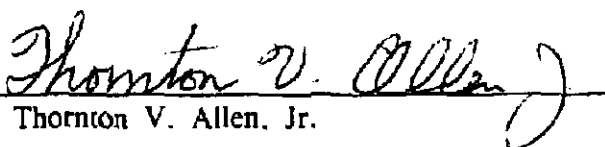
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Merton A. Bobo, Esq.

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Milton C. Bennett

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Thornton V. Allen, Jr.

Date of Service: 7-22-97