

AWARD

NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION

In the matter of the Arbitration Between

Name of Claimant

Edith L. Lavers

v.

Arbitration No.
96-01611

Name of Respondents

Pacific Coast Financial Securities, Inc.,
Scott A. Presta, Alan Lund,
Don Tullio Morandini, and Thomas Gans

REPRESENTATION

For Claimant:

Paul W. Thomas, Esq.
Law Offices of Paul W. Thomas
Carlsbad, California

For Respondent Alan Lund:

Bryce L. Letterman
Law Office of Bryce L. Letterman
Newport Beach, California

CASE INFORMATION

Statement of Claim filed:

April 9, 1996

Amended Statement of Claim filed:

September 17, 1997

Claimant's Submission Agreement signed:

February 26, 1996

Joint Statement of Answer filed by
Respondents Pacific Coast Financial
Securities, Inc. and Scott A. Presta:

July 26, 1996

Respondent Scott A. Presta's
Submission Agreement signed:

July 26, 1996

Respondent Pacific Coast
Financial Securities, Inc.
Submission Agreement signed:

July 25, 1996

HEARING INFORMATION

Pre-Hearing Conference Dates / Sessions: March 27, 1998 (1 Session)
Hearing Dates / Sessions: August 27, 1998 (1 Session)
Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleged that Respondents made misrepresentations or omissions of material facts in connection with the sale of the Beacon Income Fund XII, committed acts of fraud, recommended the unsuitable security for the Claimant, breached their fiduciary duty owed to Claimant.

Claimant alleged in her amended Statement of Claim that Respondent Alan Lund failed to supervise the activities of Pacific Coast Financial Securities, Inc.

Respondent denied each and every allegation of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$32,000.00 in compensatory damages, interest, costs, attorney's fees and punitive damages.

Respondent requested that the Arbitration Panel dismiss the Claimant's claim in its entirety and award Respondents reasonable attorney's fees and costs.

OTHER ISSUES CONSIDERED AND DECIDED

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

On February 27, 1997 Claimant executed a release which dismissed Respondent Scott A. Presta with prejudice.

On April 6, 1998, Respondent Don Tullio Morandini declared bankruptcy. All claims against him were stayed.

On May 27, 1998, the NASD received notice that Respondent Thomas Gans declared bankruptcy. All claims against him were stayed.

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) Claimants claims are dismissed in their entirety.
- 2) The parties shall each bear their own respective costs, including attorney's fees.

FORUM FEES

Pursuant to Rule 10332(c) of the Code of Arbitration Procedure, the following forum fees are assessed against Claimant:

One Pre-Hearing Conference Session @ \$400.00 / Session	= \$400.00
One Hearing Session @ \$400 / Session	= \$400.00
Total Fees Assessed Against Claimant	= \$800.00
Credit for Claimant's Hearing Session Deposit	= \$400.00
Claimant's Balance Due	= \$400.00

Fees are payable to NASD Regulation, Inc.

OTHER FEES

Pursuant to Rule 10333 of the Code, Respondent Pacific Coast Financial Securities, Inc. has paid to NASD Regulation, Inc. the \$200.00 member surcharge previously invoiced.

ARBITRATORS**Name**

Herbert Leslie Greenberg, Esq.

Sandra K. Ison

Charles Ajamian

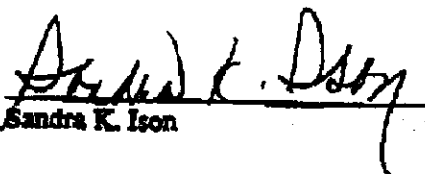
Public / Industry

Public Arbitrator

Industry Arbitrator

Public Arbitrator

Concurring Arbitrators' Signatures

Herbert Leslie Greenberg, Esq.
Sandra K. Ison

Charles Ajamian

Date of Service:

September 30, 1998

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ID:

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ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
Herbert Leslie Greenberg, Esq.	Public Arbitrator
Sandra K. Ison	Industry Arbitrator
Charles Ajamian	Public Arbitrator

Concurring Arbitrators' Signatures


Herbert Leslie Greenberg, Esq.

Sandra K. Ison


Charles Ajamian

Date of Service: September 30, 1998