

N.A.S.D. STIPULATED AWARD**NASD Regulation, Inc.****In the Matter of the Arbitration Between****Name of Claimant****David G. Steele**

96-03077

Name of Respondent**JW Charles Securities, Inc.****REPRESENTATION****For Claimant David G. Steele ("Steele"): Sheldon Engelhard, Esq. of Sheldon Engelhard, P.A., Boca Raton, Florida.****For Respondent JW Charles Securities, Inc. ("J.W. Charles"): Charles E. Scarlett, Esq. of JW Charles Securities, Inc., Boca Raton, Florida.****CASE INFORMATION****Statement of Claim filed: July 15, 1996.****Amended Statement of Claim filed: January 21, 1997.****Claimant's Submission Agreement signed on: June 21, 1996.****Respondent's Statement of Answer and Counterclaim filed: March 27, 1997.****Claimant's Response to Respondent's Counterclaim filed: September 2, 1997.****Respondent JW Charles did not file a Submission Agreement.****HEARING INFORMATION****On August 28, 1997 the arbitration panel conducted a pre-hearing conference which lasted one (1) session.****No evidentiary hearings were conducted in this matter.****CASE SUMMARY****Claimant alleged that he was discharged from JW Charles without just cause; that JW Charles breached its contract with him by improperly terminating him and not providing proper support staff; and, that JW Charles defamed him by filing an improper Form U-5.**

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Respondent JW Charles denied the allegations of wrongdoing contained in the Statement of Claim and asserted a counterclaim for damages resulting from the payment of monies in settlement of a sexual harassment suit to a third party as a result of Claimant's conduct.

Claimant denied the allegations of wrongdoing contained in the counterclaim and maintained that the counterclaim fails to state a claim upon which the panel can award the relief requested.

RELIEF REQUESTED

Claimant requested that he be awarded the payout to which he is entitled; compensation for the support staff not provided; that Respondent be directed to turn over his software; and, that he be entitled to receive monies for lost earnings as a result of the failure and refusal of Respondent to turn over said software. Claimant also requested that his Form U-4 be amended. Claimant further requested that the counterclaim be dismissed and that it be awarded its costs with respect to the counterclaim and reasonable attorneys' fees.

Respondent JW Charles requested a dismissal of the claim and relief on its counterclaim in the amount of \$25,000.00.

OTHER ISSUES CONSIDERED & DECIDED

On August 4, 1998, the parties filed with NASD Regulation, Inc. a Stipulation of Dismissal and Expungement withdrawing any and all claims asserted against the parties in this matter, with prejudice. The parties stipulated to the following: that the parties subject to the issuance of the Stipulation of Dismissal and Expungement have entered into a Settlement Agreement and Release with respect to other issues and contentions arising out of this dispute; that the parties have agreed to waive their right to an oral hearing in this matter; that the parties waive the necessity for a full panel and otherwise allow for the execution of any arbitration award by the Chairperson of the panel; and, that the parties jointly move for an Award by the arbitration panel expunging all references to the termination of the Claimant, David Steele, from JW Charles Securities, Inc., with cause, from Steele's Central Registration Depository ("CRD") record. Further, the parties stipulated and agreed that JW Charles shall file a Form U-5 disclosing that Steele voluntarily terminated his registration; and, that the parties may sign the stipulation in counterpart and transmit same by facsimile.

AWARD

After considering the pleadings and the Stipulation of Dismissal and Expungement executed by the parties, the undersigned arbitrator, acting on behalf of the arbitration panel, consents to same and incorporates said stipulation by reference into this Award.

Furthermore, the undersigned arbitrator, acting on behalf of the arbitration panel, has determined in full and final resolution of the issues submitted for determination as follows:

1. All references to the termination with cause of the Claimant, David Steele, from JW Charles Securities, Inc., shall be expunged from the Claimant's CRD record.
2. Respondent JW Charles shall file a Form U-5 disclosing that Claimant David Steele voluntarily terminated his registration.

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FORUM FEES

Pursuant to Rule 10332 of the Code of Arbitration Procedure ("the Code"), a hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with an arbitrator, which lasts four hours or less.

Pursuant to Rule 10205 of the Code, the arbitrators have assessed forum fees in the amount of \$600.00 (one (1) pre-hearing conference (panel) x \$600.00).

Respondent JW Charles has agreed to pay the forum fees which shall be retained from the \$2,250.00 previously deposited by the Respondent in full satisfaction thereof.

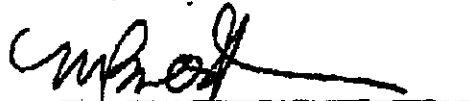
OTHER FEES

1. Pursuant to Rule 10205 of the Code, the Claimant has paid to NASD Regulation, Inc. the claim filing fee of \$500.00.
2. Pursuant to Rule 10205 of the Code, the Respondent has paid to NASD Regulation, Inc. the claim filing fee of \$500.00 for the counterclaim.
3. Pursuant to Rule 10333 of the Code, Respondent JW Charles has paid to NASD Regulation, Inc. the member surcharge of \$550.00.
4. Pursuant to Rule 10319(b) of the Code, the Claimant and Respondent have each paid to NASD Regulation, Inc. \$300.00 representing the postponement fee for the hearing scheduled for December 4 and 5, 1997.
5. Pursuant to Rule 10319(b) of the Code, Respondent JW Charles has paid to NASD Regulation, Inc. the postponement fee of \$1,000.00 for the hearing scheduled for February 12 and 13, 1998.

Fees are payable to the NASD Regulation, Inc., Office of Dispute Resolution.

ARBITRATOR

Concurring Arbitrator's Signature



Mark A. Buckman, Esq.
(On Behalf of the Arbitration Panel)

Date of Decision: 9/11/98

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :

DAVID STEELE, :

Claimant, :

NASD CASE NO: 96-03077

vs. :

JW CHARLES SECURITIES INC. :**STIPULATION OF DISMISAL
AND EXPUNGEMENT**

Respondent. :

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the undersigned parties that any and all claims asserted against the parties in this arbitration are hereby withdrawn with prejudice; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that the parties, subject to the issuance of this Stipulation of Dismissal and Expungement, have entered into a Settlement Agreement and Release with respect to other issues and contentions arising out of the dispute; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that the parties hereby have agreed to waive their right to an arbitration hearing in the above referenced matter; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that the parties waive the necessity for a full panel and otherwise allow for the execution of an arbitration award by the Chairman of the Panel; and


IT IS FURTHER HEREBY STIPULATED AND AGREED that the parties hereby jointly move for an Award by the Arbitration Panel expunging all reference to the termination of Mr. David Steele from JW Charles Securities, Inc. with causes from Mr. David Steele's Central Registration Depository ("CRD") and submit the attached Award for that purpose; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that JW Charles Securities Inc. shall file a Form-U-5 disclosing that Mr. David Steele voluntarily terminated his registration.

IT IS FURTHER HEREBY STIPULATED AND AGREED that the parties may sign this stipulation in counterpart and transmit same by facsimile.

Dated:

Date: 9/24/98

by:  JW Charles Securities, Inc.by:  David Steele