

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Dean Witter Reynolds, Inc.

Case No. 98-00088

Names of Respondents

Ed Lauron
Amelia Jose
Jubilee & Co.

REPRESENTATION OF PARTIES

For Claimant: Jon Jacobson, Esq., Steel Hector & Davis LLP, West Palm Beach, Florida.

Respondents Ed Lauron ("Lauron"), Amelia Jose ("Jose") and Jubilee & Co. ("Jubilee")(herein collectively referred to as "Respondents") did not appear.

CASE INFORMATION

Statement of Claim filed: January 9, 1998.

Claimant's Submission Agreement signed: March 18, 1998.

Respondents neither filed Statements of Answer nor executed Uniform Submission Agreements.

CASE SUMMARY

Claimant alleged the following: On or about February 9, 1996, Respondents Lauron and Jose opened a Dean Witter commodities account under the name of Jubilee & Co. at Claimant's Naples, Florida, branch office. On December 31, 1996, Respondents purchased securities totaling \$27,000.00 and Respondents Lauron and Jose issued checks to Claimant as payment. On January 7 and 8, 1997, the two checks written by Respondents Lauron and Jose were returned to Claimant indicating that the account contained insufficient funds, and that Claimant's account was charged for the amounts of the checks and fees. Thereafter, Claimant was able to retrieve a portion of the insufficient funds through wire transfers from Respondents, but there remained a debit balance owed to Claimant in the amount of \$16,491.31. On April 17, 1997, Respondents Lauron and Jose, individually and on behalf of Jubilee, executed and delivered to Claimant a Promissory Note in the principal amount of

\$16,491.31. Pursuant to the terms of the Promissory Note, Respondents agreed to repay the outstanding principal amount in payments of \$250.00 on the 15th day of each month beginning on May 15, 1997. In the event of default, on any of the terms of the Promissory Note, Claimant could declare the balance of the Promissory Note immediately due and payable. In addition, Respondents agreed to pay Claimant all costs of collection, including attorneys' fees incurred in an action to collect on the Promissory Note or otherwise enforce its terms. Respondents defaulted on the Promissory Note by failing to make monthly payments to Claimant pursuant to the terms of the Note.

RELIEF REQUESTED

Claimant requested:

Compensatory damages in the amount of \$16,491.31;
Interest;
Costs; and
Attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned Arbitrator has found subject matter jurisdiction over this controversy pursuant to the NASD Code of Arbitration Procedure (the "Code").

Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned Arbitrator determined that Respondents have been properly served with the Statement of Claim, and that the arbitration of the matter would proceed without said Respondents, in accordance with the Code.

Respondents did not file with the NASD Regulation, Inc. Office of Dispute Resolution Statements of Answer and properly executed Uniform Submission Agreements, but are required to submit to arbitration pursuant to the Code and are bound by the determination of the Arbitrator on all issues submitted.

On or about June 9, 1999, Claimant requested that this matter be determined on the papers without a formal hearing. Claimant's request was granted by the undersigned Arbitrator.

AWARD

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

1. Respondents Lauron, Jose and Jubilee are found liable, jointly and severally, and shall pay to Claimant compensatory damages in the amount of \$16,491.31, plus interest at 8% per annum from June 15, 1997 until the date of payment of the award.

2. All issues of entitlement to and amount, if any, of attorneys' fees and costs are referred to a Florida court of competent jurisdiction for a determination.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:
Initial Claim Filing Fee = \$500.00

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. In this matter, the member firm is Dean Witter Reynolds, Inc.

Member Surcharge = \$400.00

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters and security.

Claimant requested additional copies of arbitrator awards = \$ 70.00

Forum Fees and Assessments

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

One (1) Pre-hearing session with a single arbitrator x \$300.00 = \$300.00
Pre-hearing conference: December 4, 1998 1 session

Total Forum Fees = \$300.00

The Arbitrator has assessed the total forum fees of \$300.00 to Respondents Lauron, Jose and Jubilee, jointly and severally.

Fee Summary

Claimant be and hereby is solely liable for:

Initial Claim Filing Fee = \$500.00

Member Surcharge	= \$400.00
Administrative Costs	= \$ 70.00
Total Fees	= \$970.00
<u>Less Payments</u>	<u>= \$970.00</u>
Balance Due NASD Regulation, Inc.	= \$ 0.00

Respondents Lauron, Jose and Jubilee be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	<u>= \$300.00</u>
Total Fees	= \$300.00
<u>Less Payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Regulation, Inc.	= \$300.00

All balances are due and payable to NASD Regulation, Inc.

Arbitrator's Signature

/S/
Robert M. Shavick, Esq.
Public Arbitrator

December 9, 1999
Date of Decision

December 9, 1999
Date of Service (For NASD office use only)

DEC. 9. 1999 8:52AM

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Member Surcharge	= \$400.00
Administrative Costs	= \$ 70.00
Total Fees	= \$970.00
<u>Less Payments</u>	<u>= \$970.00</u>
Balance Due NASD Regulation, Inc.	= \$ 0.00

Respondents Lauron, Jose and Jubilee be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	= \$300.00
Total Fees	= \$300.00
<u>Less Payments</u>	= \$ 0.00
Balance Due NASD Regulation, Inc.	= \$300.00

All balances are due and payable to NASD Regulation, Inc.

Arbitrator's Signature

Robert M. Shavick
Robert M. Shavick, Esq.
Public Arbitrator

December, 1999
Date of Decision

Date of Service (For NASD office use only)