

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Craig A. Keenan and Sharon M. Keenan, (Claimants) v. Barron Chase Securities, Inc. and Joseph J. Curtiss, (Respondents)

Case Number: 99-01861

Hearing Site: Chicago, Illinois

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**REPRESENTATION OF PARTIES**

Claimant Craig A. Keenan and Sharon M. Keenan ("Keenan"): James A. McGurk, Esq., Law Offices of James A. McGurk, Chicago, Illinois.

Respondent Barron Chase Securities, Inc. ("Barron Chase") was originally represented by Eugene Michael Kennedy, Esq., Law Office of Eugene Michael Kennedy, P.A., Fort Lauderdale, Florida. At the end of the case Respondent Barron Chase was *pro se*.

Respondent Joseph J. Curtiss ("Curtiss"): was originally represented by Corey S. Marell, Esq., Singer Frumento, LLP, New York City, New York. At the end of the case Respondent Curtiss was *pro se*.

**CASE INFORMATION**

Statement of Claim filed on or about: April 21, 1999

Claimant Keenan signed the Uniform Submission Agreement: April 13, 1999

Statement of Answer filed by Respondent Barron Chase on or about: July 08, 1999

Respondent Barron Chase signed the Uniform Submission Agreement: September 27, 1999

Statement of Answer filed by Respondent Curtiss on or about: June 25, 1999

Motion to Dismiss with Prejudice filed by Respondent Curtiss on or about: April 19, 2000

Letter Joining Respondent Barron Chase to Curtiss' Motion to Dismiss with Prejudice: April 20, 2000

Ruling on Cross-Motions for Summary Judgement entered by the Hon. Dorothy K. Kinnaird of the Circuit Court of Cook County, Illinois, County Department, Chancery Division filed by Claimant on or about: August 06, 2001

### **CASE SUMMARY**

Claimants asserted the following causes of action: unauthorized trading

The causes of action relate to the AMENW warrants.

Unless specifically admitted in their respective Answers, Respondents Barron Chase and Curtiss denied the allegations made in the Statement of Claim.

### **RELIEF REQUESTED**

Claimants requested:

Compensatory Damages	\$33,947.00
Punitive Damages	\$15,000.00

Respondent Barron Chase requested:

Other Monetary/Non-Monetary Relief if any:	Dismissal
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Respondent Curtiss requested:

Other Monetary/Non-Monetary Relief if any:	Dismissal
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### **OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made by/on behalf of the Claimants, the undersigned arbitrators "Panel" determined that Respondents Barron Chase Securities Corp. and Joseph J. Curtiss have been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondents present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent Curtiss did not file with the NASD Regulation, Inc. Office of Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and, having answered the claim, is bound by the determination of the Panel on all issues submitted.

Originally, this case was to be heard by a different set of arbitrators ("First Panel"). On April 20, 2000 the First Panel granted Respondents Joseph J. Curtiss and Barron Chase Securities, Inc.'s Joint Motion to Dismiss with Prejudice pursuant to Rule 10305(b) of the Code of Arbitration Procedure. The case was closed pursuant to NASD procedures and the matter was removed from the NASD Dispute Resolution's docket.

On August 06, 2001, NASD Dispute Resolution received a Ruling on Cross-Motions for Summary Judgment ("the Court Ruling") entered by the Hon. Dorothy K. Kinnaird of the Circuit Court of Cook County, Illinois, County Department, Chancery Division. The Court Ruling vacated the First Panel's Final Order finding that the First Panel had exceeded the authority granted in Rule 10305(b) by dismissing the case since no willful failure to comply with a panel order had occurred. Judge Kinnaird remanded the matter to NASD Dispute Resolution.

As a consequence of the August 06, 2001 Court Ruling, NASD Dispute Resolution reopened the arbitration and appointed a new panel pursuant to Rule 10308(e) of the Code of Arbitration Procedure.

### **AWARD**

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

1. The panel finds that the November 11, 1999 purchase of 7000 AMENW warrants was an unauthorized transaction and that the \$57,770.00 amounts should have been in the Keenan account when the account was transferred.
2. Respondents Barron Chase Securities, Inc. and Joseph J. Curtiss are jointly and severally liable to Claimants Craig A. Keenan and Sharon M. Keenan in the amount of \$33,947.40 as compensatory damages. This figure reflects the value of the AMENW warrants minus proceeds, in the amount of \$23,822.60, from their subsequent sale.
3. Respondents Barron Chase Securities, Inc. and Joseph J. Curtiss are jointly and severally liable to Claimants Craig A. Keenan and Sharon M. Keenan for \$4,994.34 as interest.
4. Respondents Barron Chase Securities, Inc. and Joseph J. Curtiss are jointly and severally liable to Claimants Craig A. Keenan and Sharon M. Keenan for the reimbursement of the \$175.00 non-refundable filing fee the Claimants paid.
5. Parties shall bear their own costs, including attorney's fees.
6. Any and all relief, including punitive damages not specifically addressed herein is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$175.00
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### **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 a party.

Member surcharge	= \$ 800.00
Pre-hearing process fee	= \$ 600.00
<u>Hearing process fee</u>	<u>= \$1,000.00</u>
Total Member Fees	= \$2,400.00

### **Adjournment Fees**

Adjournments requested during these proceedings:

Adjournment by Claimants filed on April 19, 2000

-Motion was not granted = \$ 0.00

### **Forum Fees and Assessments**

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

One (1) Pre-hearing session with a single arbitrator x \$450.00	= \$ 450.00
Pre-hearing conference: October 27, 1999 1 session	
Two (2) Pre-hearing sessions with Panel x \$600.00	= \$1,200.00
Pre-hearing conferences: April 19, 2000 1 session	
December 20, 2001 1 session	
One (1) Hearing sessions x \$600.00	= \$ 600.00
Hearing Date: January 23, 2002 1 session	
Total Forum Fees	= \$2,250.00

The panel has assessed \$2,250.00 of the forum fees jointly and severally to Respondents Barron Chase Securities, Inc. and Joseph J. Curtiss.

### **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.

Claimants requested one (1) tape: \$15.00

**Fee Summary**

1. Claimant Craig A. Keenan and Sharon M. Keenan are jointly and severally liable for:

Initial Filing Fee	= \$ 175.00
<u>Administrative Costs</u>	= \$ 15.00
Total Fees	= \$ 190.00
<u>Less payments</u>	= \$1,240.00
Balance Due from NASD Dispute Resolution, Inc.	= \$1,050.00

2. Respondent Barron Chase Securities, Inc. is solely liable for:

<u>Member Fees</u>	= \$ 2,400.00
Total Fees	= \$ 2,400.00
<u>Less payments</u>	= \$ 2,400.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

3. Respondents Barron Chase Securities, Inc. and Joseph J. Curtiss shall be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	= \$2,250.00
Balance Due NASD Dispute Resolution, Inc.	= \$2,250.00

All balances are due to NASD Dispute Resolution, Inc.

**ARBITRATION PANEL**

Fay Clayton, Esq. - Public Arbitrator, Presiding Chair  
Robert L. Agosto, Esq. - Public Arbitrator  
Kurt L. Schultz, Esq. - Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

/s/ Fay Clayton  
Fay Clayton, Esq.  
Public Arbitrator, Presiding Chair

02/07/02  
Signature Date

/s/ Robert L. Agosto  
Robert L. Agosto, Esq.  
Public Arbitrator

02/05/02  
Signature Date

/s/ Kurt L. Schultz  
Kurt L. Schultz, Esq.  
Non-Public Arbitrator

02/05/02  
Signature Date

02/12/02  
Date of Service (For NASD-Dispute Resolution office use only)



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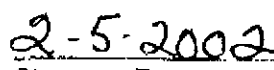
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 Public Arbitrator, Presiding Chair

  
 Robert L. Agosto, Esq.  
 Public Arbitrator

Signature Date

  
 Signature Date

Kurt L. Schultz, Esq.  
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Signature Date

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