

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Charles Schwab & Co. Inc. Claimant v. David Eugene Wayne, d.b.a. Spainer Investment Co.,
Respondent.

Case Number: 99-02073

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Richard A. Karoly, Esq.
Charles Schwab &
Company, Inc.
San Francisco, California

For Respondent:

Did Not Appear

CASE INFORMATION

Statement of Claim filed: May 4, 1999

Claimant's Uniform Submission Agreement signed: May 3, 1999

Claimant's Request for a Hearing on the Papers filed: August 2, 1999.

CASE SUMMARY

Claimant alleged the following causes of action: unjust enrichment.

Respondent did not file an answer.

RELIEF REQUESTED

Claimant requested: \$83,802.60 in compensatory damages, interest, costs and attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made by the Claimant, the undersigned Arbitrators have determined that Respondent David Eugene Wayne, d.b.a. Spainer Investment Co. was properly served with the Statement of Claim and received due notice of the hearing. In accordance with the NASD Code of Arbitration Procedure ("Code"), the arbitration of the matter has proceeded without the Respondent being present.

On November 1, 1999, the Arbitration Panel set a deadline of December 1, 1999 for the Respondent to submit an answer.

On December 1, 1999, no answer was received.

On December 22, 1999, pursuant to Claimant's waiver of its request for a hearing, the Arbitration Panel decided the case on the pleadings and documentary evidence.

AWARD

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

- 1) Respondent David Eugene Wayne, d.b.a. Spainer Investment Co. is liable to and shall pay Claimant the sum of \$83,787.42 in compensatory damages. This amount is calculated by taking the \$83,802.60 in compensatory damages requested by the Claimant, and deducting a \$15.18 credit Claimant owed to the Respondent.
- 2) Respondent David Eugene Wayne, d.b.a. Spainer Investment Co. is liable to and shall pay Claimant the sum of \$4,453.68 in interest.
- 3) Respondent is liable to and shall pay Claimant the sum of \$1,000.00 in reimbursement of the filing fee.
- 4) Each party shall bear its own costs, including attorney's fees.
- 5) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. has received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$1,000.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the event of the dispute. Accordingly, the member firm Charles Schwab & Co. Inc. is a party and the following fees are assessed:

Member Surcharge	= \$1,000.00
<u>Pre-Hearing Process Fee</u>	= \$ 600.00
Total Member Fees	= \$1,600.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair/Panel. The following fees are assessed:

(1) Pre-hearing conference session(s) with the Panel @ \$750.00	= \$ 750.00
Pre-hearing conference(s): November 1, 1999	1 session
Total Forum Fees	= \$ 750.00

The Arbitration Panel assessed \$750.00 of the forum fees to Respondent David Eugene Wayne, d.b.a. Spainer Investment Co.

Fee Summary

1. Claimant, Charles Schwab & Co., Inc., is charged with the following fees and costs:

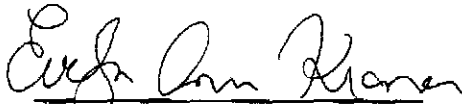
Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 1,600.00
Total Fees	= \$ 2,600.00
Less payments	= \$ (3,350.00)
Refund Due Claimant	= \$ 750.00

2. Respondent, David Eugene Wayne, d.b.a. Spainer Investment Co., is charged with the following fees and costs:

Forum Fees	= \$ 750.00
Balance Due NASD Regulation, Inc.	= \$ 750.00

All balances are payable to NASD Regulation, Inc. and are due within 30 days of the award's date of service.

Concurring Arbitrators' Signatures



Evelyn Ann Kramer, Esq.
Chair, Public Arbitrator

Signature Date

Bert Levy
Public Arbitrator

Signature Date

Douglas A. Wright
Industry Arbitrator

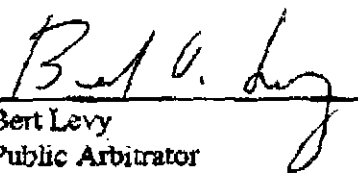
Signature Date

December 28, 1999
Date of Service

Concurring Arbitrators' Signatures

Evelyn Ann Kramer, Esq.
Chair, Public Arbitrator

Signature Date


Bert Levy
Public Arbitrator

12/24/99
Signature Date

Douglas A. Wright
Industry Arbitrator

Signature Date

Date of Service

Concurring Arbitrators' Signatures

Evelyn Ann Kramer, Esq.
Chair, Public Arbitrator

Signature Date

Bert Levy
Public Arbitrator

Signature Date



Douglas A. Wright
Industry Arbitrator

12/23/99

Signature Date

Date of Service