

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Melanie S. Hamilton, Claimant v. Arrowhead Financial Group, Inc., Larry Sharp, Ernest Short, Pamela McAllister, James Estes and Robert Thomas Securities, Inc., Respondents.

Case Number: 99-02150

Hearing Site: San Diego, California

REPRESENTATION OF PARTIES

For Claimant:

David C. Hamilton
Oak Hills, California

For Respondent, Arrowhead Financial Group, Inc.,
Larry Sharp, Ernest Short, Pamela McAllister, and
James Estes:

Richard J. Bergstrom, Esq.
Luce, Forward, Hamilton
& Scripps, LLP
San Diego, California

For Respondent, Robert Thomas Securities, Inc.:

George L. Guerra, Esq.
Raymond James Financial
St. Petersburg, Florida

CASE INFORMATION

Statement of Claim filed: May 11, 1999

Amended Statement of Claim filed: June 24, 1999

Claimant's Uniform Submission Agreement signed: May 5, 1999

Statement of Answer filed by Respondents, Ernest Short and Pamela McAllister: August 9, 1999

Statement of Answer filed by Respondent, Robert Thomas Securities, Inc.: August 18, 1999

Respondent Larry Sharp's Uniform Submission Agreement signed: October 20, 1999

Respondent Ernest Short's Uniform Submission Agreement signed: October 19, 1999

Respondent Pamela McAllister's Uniform Submission Agreement signed: October 18, 1999

Respondent James Estes' Uniform Submission Agreement signed: November 1, 1999

Respondent Robert Thomas Securities, Inc.'s Uniform Submission Agreement signed:
September 10, 1999

CASE SUMMARY

Claimant alleged the following causes of action: wrongful termination, defamation, and failure to pay commissions.

Respondents, Ernest Short, Pamela McAllister and Robert Thomas Securities, Inc., denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$1,929.49 in compensatory damages and \$250,000.00 in punitive damages

Respondents, Ernest Short and Pamela McAllister, requested dismissal of the Claimant's Statement of Claim in its entirety plus reimbursement for costs and attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Arrowhead Financial Group, Inc. did not file with the NASD Regulation, Inc. Office of Dispute Resolution a properly executed Uniform Submission Agreement to arbitrate. In accordance with membership rules of NASD, Respondent Arrowhead Financial Group, Inc. is nonetheless required to submit to arbitration of the matter.

A pre-hearing conference was held on November 22, 1999 for oral argument on Respondents' Motions to Dismiss.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

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

1. Respondents' Motions to Dismiss are granted. All of the Claimant's claims are denied in their entirety.
2. The parties shall each bear their respective costs, including attorney's fees.
3. All relief not granted is expressly 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	= \$300.00
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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 Robert Thomas Securities, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
<u>Pre-Hearing process fee</u>	<u>= \$ 600.00</u>
Total Member Fees	= \$ 2,100.00

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:

(2) Pre-hearing conference sessions with the Panel @ \$1,125.00	= \$ 2,250.00
Pre-hearing conferences: October 12, 1999	1 session
November 22, 1999	1 session

Total Forum Fees **= \$ 2,250.00**

1. The Arbitration Panel has assessed \$ 2,250.00 of the forum fees against Claimant.

Fee Summary

1. Claimant, Melanie S. Hamilton, is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= \$ 2,250.00
Total Fees	= \$ 2,550.00
<u>Less payments</u>	= \$ 300.00
Balance Due NASD Regulation, Inc.	= \$ 2,250.00

3. Respondent, Robert Thomas Securities, Inc., is charged with the following fees and costs:

<u>Member Fees</u>	= \$ 2,100.00
Total Fees	= \$ 2,100.00
<u>Less payments</u>	= \$ 2,100.00
Balance Due NASD Regulation, Inc.	= \$ 0

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

Concurring Arbitrators' Signatures



George M. Wiener, Esq.
Chair, Public Arbitrator

11/24/99
Signature Date

Donald B. McNelley, Esq.
Public Arbitrator

Signature Date

Harrison Lee
Industry Arbitrator

Signature Date

Date of Service

Concurring Arbitrators' Signatures

George M. Wiener, Esq.
Chair, Public Arbitrator

Signature Date

Donald B. McNeiley
Donald B. McNeiley, Esq. *J*
Public Arbitrator

11-23-99
Signature Date

Harrison Lee
Industry Arbitrator

Signature Date

Date of Service

Concurring Arbitrators' Signatures

George M. Wiener, Esq.
Chair, Public Arbitrator

Signature Date

Donald B. McNelley, Esq.
Public Arbitrator

Signature Date

Harrison Lee
Harrison Lee
Industry Arbitrator

11-24-99
Signature Date

November 24, 1999
Date of Service