

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

John W. Campbell, individually and as personal representative of the Estate of Anne Campbell,
Claimant vs. Seafirst Investment Services, a division of BA Investment Services, Inc., and Mary
Ann Lindsey, Respondents.

Case Number: 99-02342

Hearing Site: Seattle, WA

REPRESENTATION OF PARTIES

Claimant, John W. Campbell, individually and as personal representative of the Estate of Anne Campbell, (hereinafter referred to as "Claimant"): Katherine Hendricks, Esq. Hendricks & Lewis, 999 Third Avenue, 2675 First Interstate Center, Seattle, WA 98104.

Respondents, Seafirst Investment Services, a division of BA Investment Services, Inc., and Mary Ann Lindsey, (hereinafter collectively referred to as "Respondents"): Craig Miller, Esq., Davis, Wright, Termaine, LLP, 2600 Century Square, 1501 Fourth Avenue, Seattle, WA 98101-1688.

CASE INFORMATION

Statement of Claim filed on or about: May 24, 1999

Claimant signed the Uniform Submission Agreement: May 12, 1999

Statement of Answer filed by Respondents on or about: July 16, 1999

Respondent, Seafirst Investment Services, a division of BA Investment Services, Inc., signed the Uniform Submission Agreement: June 4, 1999

Respondent, Mary Ann Lindsey, did not submit a signed Uniform Submission Agreement.

CASE SUMMARY

Claimants asserted the following causes of action: Violation of Section 10 of the Securities Act of 1934 and Rule 10b-5, the Washington Securities Act and the Washington Consumer Protection Act; fraud; negligent misrepresentation; breach of fiduciary duty; unsuitability and; failure to follow the member firm's Compliance Manual in existence at the time of the disputed transactions. It is Claimant's position that the claims arose after Respondents allegedly solicited Claimant to sell his long held utility stocks and purchase less secure and less liquid securities.

Unless specifically admitted in the Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: Respondents provided proper investment advice to Claimant.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$210,000
Punitive Damages	\$10,000
Interest	Unspecified
Attorneys' Fees	Unspecified
Other Costs	Unspecified
Other Monetary Relief	Rescission of all commissions, of not less than \$5100 and rescission of all transactions effected by Respondents.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent, Mary Ann Lindsey, did not file with the NASD Dispute Resolution, Inc. a properly executed Uniform Submission Agreement to arbitrate, but is, as an Associated Person, required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

At the arbitration hearing, Respondent, Seafirst Investment Services, a division of BA Investment Services, Inc., filed a Motion to Dismiss. The Panel denied that Motion.

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 and 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. All of the Claimant's claims are denied.
2. All other claims are also denied in their entirety.
3. Claimant shall be responsible for and shall pay one half of the forum fees.
4. Respondent, Seafirst Investment Services, a division of BA Investment Services, Inc., shall be responsible for and shall pay one half of the forum fees.

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	= \$300
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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 firms that employed the associated persons at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$1500
Pre-hearing process fee	= \$ 600
<u>Hearing process fee</u>	<u>= \$2500</u>
Total Member Fees	= \$4600

Forum Fees and Assessments

The Panel assesses 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 sessions with Panel x \$1125	= \$1125
Pre-hearing conferences: November 8, 1999	1 session
Five (5) Hearing sessions x \$1125	= \$5625
Hearing Dates: October 3, 2000	2 sessions
October 4, 2000	2 sessions
October 5, 2000	1 session
<u>Total Forum Fees</u>	<u>= \$6750</u>

The Panel has assessed \$3375 of the forum fees to Claimant.

The Panel has assessed \$3375 of the forum fees to Respondent, Seafirst Investment Services, a division of BA Investment Services, Inc.

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.

Respondent, Seafirst Investment Services, a division of BA Investment Services, Inc., requested copies of past awards

Administrative Costs = \$70

Fee Summary

Claimant is hereby solely liable for:

Initial Filing Fee	= \$ 300
Forum Fees	= \$ 3375
<u>Administrative Costs</u>	<u>= \$ 0</u>
Total Fees	= \$ 3675
<u>Less payments</u>	<u>= \$ 1425</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 2250

Respondent, Seafirst Investment Services, a division of BA Investment Services, Inc., is hereby solely liable for:

Member Fees	= \$ 4600
Forum Fees	= \$ 3375
<u>Administrative Costs</u>	<u>= \$ 70</u>
Total Fees	= \$ 8045
<u>Less payments</u>	<u>= \$ 5270</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 2775

All balances are due to NASD Dispute Resolution, Inc. Inc. and are payable within 30 days of the service date of this Award.

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Concurring Arbitrators' Signatures



Huntington G. Sachs, Esq.
Public Arbitrator, Presiding Chair

11/2/2000
Signature Date

Michael R. Scott
Public Arbitrator

Signature Date

B. David Jarashow
Industry Arbitrator Date Served:

Signature Date

NOV 6 2000


Date of Service (For NASD office use only)

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