

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Gail Spicuzza, Claimant vs. Securities Service Network, Inc., Justin Jensen, Cal Jones and Cathie Baiche, Respondents.

Case Number: 99-02351

Hearing Site: Seattle, WA

REPRESENTATION OF PARTIES

Claimant, Gail Spicuzza, (hereinafter referred to as "Claimant"): John A. Bender, Esq., Weiss, Jensen, Ellis & Howard, 520 Pike Street, 2600 Pike Tower, Seattle, WA 98101.

Respondents, Securities Service Network, Inc., Justin Jensen, Cal Jones and Cathie Baiche, (hereinafter referred to as "Respondents"): Sam Y. Edgerton, III, Esq., Nash & Edgerton, 2615 Pacific Coasts Highway, Suite 322, Hermosa Beach, CA 90254.

CASE INFORMATION

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

Claimant signed the Uniform Submission Agreement: May 27, 1999

Statement of Answer filed by Respondents on or about: September 14, 1999

Respondent, Securities Service Network, Inc., signed the Uniform Submission Agreement: September 8, 1999

Respondents, Cal Jones and Cathie Baiche, signed the Uniform Submission Agreement: June 30, 2000

Respondent Justin Jensen did not sign and submit a Uniform Submission Agreement.

Respondent amended their Statement of Answer on or about: October 8, 1999

CASE SUMMARY

Claimant asserted the following causes of action: Violation of Hawaii's Revised Statutes, Section 485-14 ("Unlicensed Broker") and Section 485-25(a)(2) ("Untrue Statements of Material Fact); unsuitability and; unauthorized trading. The causes of action relate to trades that were made in Claimant's securities account held at Respondent Securities Service Network, Inc.

Unless specifically admitted in its Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: The claims failed to state a claim upon which relief could be granted; Claimant's alleged damages were the consequence, conduct, omissions, negligence or intentional acts of those other than Respondents; Claimant assumed the risk; the claims are barred by Claimant's own authorization and ratification and; the claims are barred or should be reduced by Claimant's failure to mitigate.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$176,620
Consequential Damages	Unspecified
Interest	Unspecified
Attorneys' Fees	Unspecified
Other Costs	All taxable costs

Respondents requested:

Non-Monetary Relief	That Claimant take nothing on her claim, and that Claimant's conduct be referred to the Business District Conduct Committee of the NASD.
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OTHER ISSUES CONSIDERED AND DECIDED

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.

Respondent, Justin Jensen, did not file with the NASD Regulation, Inc. Office of Dispute Resolution a properly executed submission to arbitration but is required, as an "associated Person", 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.

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. By stipulation of the matters, all claims as to Respondent Cathie Baich are to be dismissed.
2. Upon motion and Request of Respondent Cathie Baich, and stipulation by all parties hereto, the Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Cathie Baiche's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Cathie Baich must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. By stipulation of the matters, all claims of unauthorized trading as to all Respondents are to be dismissed.

4. Upon motion and Request of all Respondents, and stipulation by all parties hereto, the Panel recommends the expungement of all reference to claims of unauthorized trading in the above captioned arbitration from Respondents Justin Jensen, Cal Jones and Cathie Baiche's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondents Justin Jensen, Cal Jones and Cathie Baich must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive as to the unauthorized trading claims.
5. All other claims as to unsuitable trades and unlicensed trades are dismissed as to all Respondents in their entirety.
6. All forum fees are assessed against Claimant.

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

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 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

Hearing process fee = \$2500

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:

Two (2) Pre-hearing sessions with a single arbitrator x \$450 = \$ 900

Pre-hearing conferences: April 10, 2000 1 session

May 12, 2000 1 session

Three (3) Pre-hearing sessions with Panel x \$1125 = \$3375

Pre-hearing conferences: January 27, 2000 1 session

	April 28, 2000	1 session
	June 8, 2000	1 session
Ten (10) Hearing sessions x \$1125		= \$11,250
Hearing Dates:	June 12, 2000	2 sessions
	June 13, 2000	2 sessions
	June 14, 2000	2 sessions
	June 15, 2000	2 sessions
	June 16, 2000	2 sessions
Total Forum Fees		= \$15,525

1. The Panel has assessed \$15,525 of the forum fees to Claimant.

Fee Summary

Claimant is hereby solely liable for:

Initial Filing Fee	= \$ 300
<u>Forum Fees</u>	<u>= \$15,525</u>
Total Fees	= \$15,825
<u>Less payments</u>	<u>= \$ 1425</u>
Balance Due NASD Regulation, Inc.	= \$14,400

Respondent, Security Service Network, is hereby solely liable for:

Member Fees	= \$ 4600
<u>Forum Fees</u>	<u>= \$ 0</u>
Total Fees	= \$ 4600
<u>Less payments</u>	<u>= \$ 4600</u>
Balance Due NASD Regulation, Inc.	= \$ 0

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

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Concurring Arbitrators' Signatures

Katherine Hendricks, Esq.
 Public Arbitrator, Presiding Chair

Signature Date

Dennis L. Ekberg
 Dennis L. Ekberg
 Public Arbitrator

July 6, 2000
 Signature Date

David G. Rongerude
 Industry Arbitrator

Signature Date

Date Served:
 JUN 12 2000

Date of Service (For NASD office use only)

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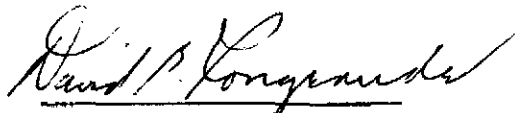
Concurring Arbitrators' Signatures

Katherine Hendricks, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Dennis L. Ekberg
Public Arbitrator

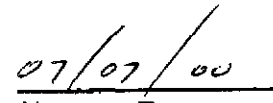
Signature Date



David G. Rongerude
Industry Arbitrator

Date Served:

JUN 12 2000



Signature Date

Date of Service (For NASD office use only)