

**Award
NASD Regulation, Inc.**

In the Matter of the Arbitration Between:

Adriane Wilson, Charles Kaup, Suzann Rose, individually and as administrators of the Estate of Dorothy Kaup, Claimant vs. Toluca Pacific Securities Corporation and Richard Smith, Respondents.

Case Number: 99-02380

Hearing Site: San Francisco, California

REPRESENTATION OF PARTIES

Claimant, Adriane Wilson, Charles Kaup, Suzann Rose, individually and as administrators of the Estate of Dorothy Kaup, hereinafter referred to as "Claimant": Frances A. Headley, Esq., Jackson, California

Respondent, Toluca Pacific Securities Corporation ("Toluca Pacific"): Peter Blowitz, Toluca Pacific Securities Corporation, Burbank, California

Respondent, Richard Smith ("Smith"): Richard Smith, Los Angeles, California

CASE INFORMATION

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

Claimant, Adriane Wilson, signed the Uniform Submission Agreement: May 5, 1999

Claimant, Charles Kaup, signed the Uniform Submission Agreement: February 24, 1999

Claimant, Suzann Rose, signed the Uniform Submission Agreement: May 4, 1999

CASE SUMMARY

Claimant alleged that the above-referenced dispute is based upon the unauthorized trading by Respondents which resulted in a loss to Claimant's account in the amount of \$197,449.95.

RELIEF REQUESTED

Claimant requested damages in the amount of \$197,449.95.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Toluca Pacific and Smith did not file with the NASD Regulation, Inc. Office of Dispute Resolution a Statement of Answer or properly executed submission to arbitration. The Panel determined that Respondents Toluca Pacific and Smith have been properly served with Claimant's Statement of Claim and further determined that said Respondents are required to

submit to arbitration pursuant to the NASD Code of Arbitration Procedure ("the Code") and are bound by the determination of the Panel on all issues submitted.

Respondents Toluca Pacific and Smith did not appear at the evidentiary hearing in this matter. Pursuant to Rule 10318 of the Code, the Panel determined that said Respondents received proper notice of the hearing and ruled to proceed in Respondents' absence.

Claimant has 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 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. Respondents Toluca Pacific and Smith are jointly and severally liable for and shall pay to Claimant the sum of \$115,661.89 plus pre-judgment interest at the legal rate of 10% per annum from May 1, 1996 through May 10, 2000.
2. Respondents Toluca Pacific and Smith are jointly and severally liable for and shall pay to Claimant post-judgment interest at the legal rate of 10% per annum from May 11, 2000 until payment of this Award.
3. The parties shall each bear their respective costs including attorney's 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	= \$300.00
--------------------------	------------

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 arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$1,125.00	= \$1,125.00
Pre-hearing conference: March 8, 2000 1 session	

One (1) Hearing session x \$1,125.00 = \$1,125.00
Hearing Date: May 10, 2000 1 session

Total Forum Fees = \$2,250.00

1. The Panel has assessed the \$2,250.00 in forum fees jointly and severally to Respondents, Toluca Pacific and Smith.

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.

Fee Summary

1. Claimant, be and hereby is solely liable for:

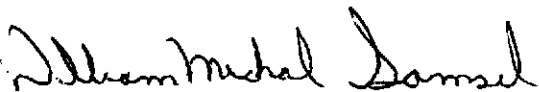
Initial Filing Fee	= \$ 300.00
Member Fees	= \$ 0.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$ 300.00
<u>Less payments</u>	= \$1,425.00
Balance (Refund)	= \$1,125.00

2. Respondents, Toluca Pacific and Smith, be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$ 0.00
Member Fees	= \$ 0.00
Forum Fees	= \$2,250.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$2,250.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Regulation, Inc.	= \$2,250.00

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

Concurring Arbitrators' Signatures



William Michael Samsel, Esq.
Public Arbitrator, Presiding Chair

5/15/00

Signature Date

Mary Margaret Bush, Esq.
Public Arbitrator

Signature Date

James D. Murray
Industry Arbitrator

Signature Date

Date Served:

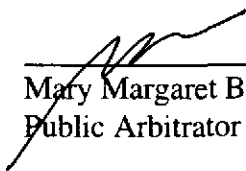
MAY 30 2000

Date of Service (For NASD office use only)

Concurring Arbitrators' Signatures

William Michael Samsel, Esq.
Public Arbitrator, Presiding Chair

Signature Date



Mary Margaret Bush, Esq.
Public Arbitrator

5.13.2000

Signature Date

James D. Murray
Industry Arbitrator

Date Served:

MAY 30 2000

Signature Date

Date of Service (For NASD office use only)


Concurring Arbitrators' Signatures

William Michael Samsel, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Mary Margaret Bush, Esq.
Public Arbitrator

Signature Date



James D. Murray
Industry Arbitrator

Date Served:
MAY 30 2000

5/15/00

Signature Date

Date of Service (For NASD office use only)