

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

**Esther Jahng and Liang-Er Lai, Claimants v. Martin Yung-Shu Fang, Amerivet Securities, Inc.,
Bluestone Securities, Inc. n/k/a Bestrade, Inc., Mark Chengpin Lee, and Hong Yi Sun,
Respondents**

Case Number: 99-02881

Hearing Site: Los Angeles, California

Nature of the Dispute: Customers v. Members and Associated Persons

REPRESENTATION OF PARTIES

For Claimants:

**Dennet F. Kouri, Esq.
Meserve, Mumper & Hughes LLP
Irvine, California**

For Respondent Martin Yung-Shu Fang:

**Steve A. Buchwalter, Esq.
Law Offices of Steve A. Buchwalter
Encino, California**

For Respondent Amerivet Securities, Inc.:

**Elton Johnson, Jr.
Amerivet Securities, Inc.
Los Angeles, California**

**For Respondent Bluestone Securities, Inc.
n/k/a Bestrade, Inc.:**

**Mark Lee
Bluestone Securities, Inc.
n/k/a Bestrade, Inc.
El Monte, California**

For Respondent Mark Chengpin Lee:

**Mark Chengpin Lee
In pro per
Rowland Heights, California**

For Respondent Hong Yi Sun:

**Hong Yi Sun
In pro per
Monterey Park, California**

CASE INFORMATION

Initial Statement of Claim filed: June 24, 1999

First Amended Statement of Claim filed: November 18, 1999

Claimants' Joint Uniform Submission Agreement signed: June 17, 1999

Joint Statement of Answer to Statement of Claim filed by Respondents Amerivet Securities, Inc., Bluestone Securities, Inc. n/k/a Bestrade, Inc., Mark Chengpin Lee, and Hong Yi Sun: September 15, 1999

Joint Statement of Answer to First Amended Statement of Claim filed by Respondents Amerivet Securities, Inc., Bluestone Securities, Inc. n/k/a Bestrade, Inc., Mark Chengpin Lee, and Hong Yi Sun: December 6, 1999

Respondent Martin Yung-Shu Fang's Uniform Submission Agreement signed: None Filed

Respondent Amerivet Securities, Inc.'s Uniform Submission Agreement signed: August 23, 1999

Respondent Bluestone Securities, Inc. n/k/a Bestrade, Inc.'s Uniform Submission Agreement signed: September 14, 1999

Respondent Mark Chengpin Lee's Uniform Submission Agreement signed: September 14, 1999

Respondent Hong Yi Sun's Uniform Submission Agreement signed: September 14, 1999

CASE SUMMARY

In their Initial Statement of Claim, Claimants alleged violations of Section 10(b) and Section 20 of the Securities Exchange Act and Securities Exchange Commission Rule 10B-5, churning, fraud, deceit, concealment, conversion, breach of contract, violations of Rule 2120 and 2330(a) of the NASD Code of Arbitration Procedure ("Code"), breach of fiduciary duty, negligence, negligent supervision, and theft. In their First Amended Statement, filed pursuant to Rule 10238(a) of the Code, Claimants included an additional allegation of unauthorized transactions. Claimants' allegations involved transactions in shares of Advanced Aerodynamics & Structures, Inc. stock.

Respondents Amerivet Securities, Inc., Bluestone Securities, Inc. n/k/a Bestrade, Inc., Mark Chengpin Lee, and Hong Yi Sun denied the allegations of wrongdoing set forth in the Claimants' Statements of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In their Initial and First Amended Statements of Claim, Claimants requested \$200,000.00 in compensatory damages, unspecified punitive damages, pre- and post-judgment interest, and costs, including attorney's fees.

Respondents Amerivet Securities, Inc., Bluestone Securities, Inc. n/k/a Bestrade, Inc., Mark Chengpin Lee, and Hong Yi Sun requested dismissal of the Claimants' Statements of Claim in their entirety and costs, including attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

On April 6, 2000, NASD Dispute Resolution received a copy of the Order, dated March 2, 2000, Granting application of the SIPC in regard to Respondent Bluestone Securities, Inc. n/k/a Bestrade, Inc. Accordingly, this matter is stayed as to Respondent Bluestone Securities, Inc. n/k/a Bestrade, Inc.

On November 7, 2002, NASD Dispute Resolution received a copy of the Order, dated July 21, 2001, Closing Case of the United States Bankruptcy Court, Central District of California, as to Respondent Martin Yung-Shu Fang. Accordingly, this matter is stayed as to Respondent Martin Yung-Shu Fang.

On February 1, 2005, pursuant to Rule 10315 of the Code, the Panel ordered a pre-hearing conference be held on February 10, 2005 to determine the status of the case. Notification of the telephonic pre-hearing conference was sent to the parties via First Class Mail. Neither Claimants nor Respondents were present for the pre-hearing conference.

On February 16, 2005, pursuant to Rule 10315 of the Code, the Panel ordered a pre-hearing conference be held on March 10, 2005 for the parties to show cause why the entire matter should not be dismissed for failure to prosecute. Notification of the telephonic pre-hearing conference was sent to the parties via Certified Mail. Neither Claimants nor Respondents were present for the pre-hearing conference. After due deliberation, the Panel dismissed the matter without prejudice for failure to prosecute, in accordance with Rule 10305 of the Code.

The Panel agreed 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 Panel decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants' claims are dismissed without prejudice for failure to prosecute.
2. The parties shall bear their respective costs, including attorney's fees.
3. Any and all relief not specifically addressed herein, including punitive damages is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution 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 events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Amerivet Securities, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

Adjournment Fees

The following adjournment fees are assessed:

August 21, 22, and 23, 2000 hearing dates adjournment requested by Respondents Amerivet Securities, Inc., Bluestone Securities, Inc. n/k/a Bestrade, Inc. and Mark Chengpin Lee	= \$ 1,125.00
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The Panel assessed \$1,125.00 of the adjournment fees to Respondents Amerivet Securities, Inc. and Mark Chengpin Lee.

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 or the parties and the Panel. The following fees are assessed:

Three (3) Pre-hearing conference session with the Panel @ \$1,125.00/session = \$ 3,375.00
Pre-hearing conferences: February 9, 2000 1 session
February 10, 2005 1 session
March 10, 2005 1 session

Total Forum Fees = \$ 3,375.00

1. The Panel assessed \$2,812.50 of the forum fees jointly and severally to Claimants.
2. The Panel assessed \$562.50 of the forum fees jointly and severally to Respondents Amerivet Securities, Inc., Mark Chengpin Lee, and Hong Yi Sun.

Fee Summary

1. Claimants Esther Jahng and Liang-Er Lai are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 2,812.50
Total Fees	= \$ 3,112.50
Less payments	= \$(1,425.00)
Balance Due NASD Dispute Resolution	= \$ 1,687.50
2. Respondent Amerivet Securities, Inc. is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
Less payments	= \$ (1,688.00)
Balance Due NASD Dispute Resolution	= \$ 2,912.00
3. Respondents Amerivet Securities, Inc. and Mark Chengpin Lee are charged jointly and severally with the following fees and costs:

Adjournment Fee	= \$ 1,125.00
Less payments	= \$ (0.00)
Balance Due NASD Dispute Resolution	= \$ 1,125.00

4. Respondents Amerivet Securities, Inc., Mark Chengpin Lee, and Hong Yi Sun are charged jointly and severally with the following fees and costs:

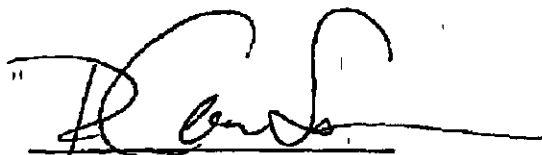
Forum Fee	= \$ 562.50
<u>Less payments</u>	= \$ (0.00)
Balance Due NASD Dispute Resolution	= \$ 562.50

All balances are payable to NASD Dispute Resolution and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

R. Carlton Seaver, Esq.	-	Public Arbitrator, Presiding Chair
Philip F. Brady	-	Public Arbitrator
Donald L Lisle	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



R. Carlton Seaver, Esq.
Chair, Public Arbitrator

MAY 15, 2003
Signature Date

Philip F. Brady
Public Arbitrator

Signature Date

Donald L Lisle
Non-Public Arbitrator

Signature Date

3/16/05
Date of Service

NASD Dispute Resolution

Arbitration No. 99-02881

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R. Carlton Seaver, Esq.

Philip F. Brady

Donald L. Lisle

Public Arbitrator, Presiding Chair

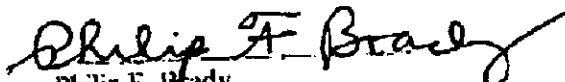
Public Arbitrator

Non-Public Arbitrator

Concurring Arbitrators' Signatures

R. Carlton Seaver, Esq.
Chair, Public Arbitrator

Signature Date


Philip F. Brady
Public Arbitrator

3-15-05
Signature Date

Donald L. Lisle
Non-Public Arbitrator

Signature Date

3/16/05
Date of Service

ARBITRATION PANEL

R. Carlton Seaver, Esq.

Public Arbitrator, Presiding Chair

Philip F. Brady

Public Arbitrator

Donald L. Lisle

Non-Public Arbitrator

Concurring Arbitrators' Signatures

**R. Carlton Seaver, Esq.
Chair, Public Arbitrator**

Signature Date

**Philip F. Brady
Public Arbitrator**

Signature Date


**Donald L. Lisle
Non-Public Arbitrator**

15 March 2005
Signature Date

3/16/05
Date of Service