

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:
Richard Herbertson Kitaka, Claimant vs. J.B. Oxford & Co. Respondent

Case Number: 99-3416 Hearing Site: Houston, Texas

REPRESENTATION OF PARTIES

Claimant, Richard Herbertson Kitaka, hereinafter referred to as Claimant referred to as "Claimant": was represented by John Courade, Esq., Austin, TX.

Respondent, J. B. Oxford & CO, hereinafter referred to as Respondent was represented by Jeffery S. Lowenstein, Esq. of Bell, Nunnally & Martin LLP., Los Angeles, California.

CASE INFORMATION

Statement of Claim filed on or about: July 26, 1999.

Claimant, signed the Uniform Submission Agreement: June 6, 1999

Statement of Answer filed by Respondent, on or about: September 16, 1999

Respondent signed the Uniform Submission Agreement: September 14, 1999

CASE SUMMARY

Claimant asserted the following causes of action:

1. Violations of Section 33A of the Texas Securities Act in connection with the sale of Veeco Instruments common stock.
2. Violations of the Texas Business and Commercial Code Sec. 27.01
3. Common Law Fraud
4. Violations of Texas Deceptive Trade Practices Act
5. Negligent misrepresentation
6. Negligence

Respondent denied the allegations made in the statement of claim and asserted the following affirmative defenses:

1. Claimant failed to mitigate its damage.
2. Any loss, injury or damage sustained by the Claimant or its account is the result of actions of Claimant.

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3. Any loss, injury or damage sustained by the Claimant or its account is the result of market conditions/and or factors beyond the control of the respondent.
4. Waiver or estoppel of Claimant's right to any recovery sought in the Statement of Claim; and Claimant's claims are barred by all applicable statutes of limitations.

The Respondent filed a counterclaim against the Claimant stating that the Claimant improperly filed a lawsuit against Respondents in state court despite the presence of the arbitration agreement. The Respondent claims that it spent unnecessary time and money in order to abate the state court action.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$110,200
Punitive Damages	\$ unspecified
Attorneys' Fees	\$ unspecified

Respondent filed a counterclaim for attorneys fees \$ unspecified

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.

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.) The panel finds in favor of the Claimant and awards \$15, 844.00 in Compensatory damages.
- 2.) Any and all relief not specifically addressed herein, including punitive damages, is denied.
- 3.) Respondent's counterclaim was denied.

FEES

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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
Counter claim/Cross claim/Third Party Claim filing fee	= \$500.00

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 person at the time of the events giving rise to the dispute. In this matter, the member firm is the Respondent's firm.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$2,500.00
Total fees	= \$ 4,600.00

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

One (1) Pre-hearing session with a single arbitrator x \$450.00	= \$ 450.00
Pre-hearing conference: 6/30/2000	1 session

One (1) Pre-hearing session with Panel x \$1,125.00	= \$1,125.00
Pre-hearing conference: 1/24/2000	1 session

Four (4) Hearing sessions x \$1,125.00	= \$4,500.00
Hearing Date(s): 7/18/2000	1 session
7/19/2000	3 sessions

Total Forum Fees	= \$6,075.00
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The Panel has assessed \$6,075.00 of the forum fees against Respondent, J.B. Oxford.

The Panel has assessed no forum fees against, Claimant, Richard Herbertson Kitaka

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Fee Summary

1. Claimant is solely liable for:

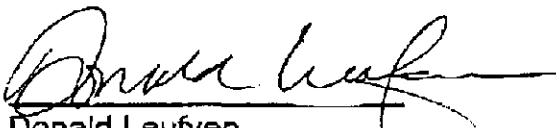
Initial Filing Fee	= \$ 300.00
Forum fees (refunded)	= \$ 1125.00
Total fees	= \$ 0
<u>Less payments</u>	<u>= \$ 1425.00</u>
Balance Due NASD Regulation, Inc.	= \$ 0

2. Respondent be and hereby is solely liable for:

Filing Fee	= \$ 500.00
Member Fees	= \$ 4,600.00
Forum Fees	= \$ 4,950.00
Total Fees	= \$ 1,0050.00
Less Payment	= \$ 4,600.00
Balance Due NASD Dispute Regulation, Inc.	= \$5,450.00

All balances are due to NASD Dispute Regulation, Inc.

Concurring Arbitrators' Signature(s)


Donald Leufven
Public Arbitrator, Presiding Chair


Signature Date

Joshua Wallach
Industry Arbitrator

Signature Date

Robert Blanc
Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

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Balance Due NASD Regulation, Inc.	= \$ 0

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Filing Fee	= \$ 500.00
Member Fees	= \$ 4,600.00
Forum Fees	= \$ 4,950.00
Total Fees	= \$ 1,0050.00
Less Payment	= \$ 4,600.00
Balance Due NASD Dispute Regulation, inc.	= \$ 5,450.00

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Concurring Arbitrators' Signature(s)

Donald Leufven
Public Arbitrator, Presiding Chair

Signature Date



Joshua Wallach
Industry Arbitrator

10/10/00

Signature Date

Robert Blanc
Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

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NASD REGULATION

2010

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Total Fees	= \$ 10,050.00
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Balance Due NASD Dispute Regulation, Inc.	= \$ 5,450.00

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