

Stipulated Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Larry P. Ellefson, Claimant v. Prudential Securities, Inc., National Securities Corporation and Thomas W. Wickersham, Respondents.

Case Number: 99-04725

Hearing Site: Seattle, Washington

REPRESENTATION OF PARTIES

For Claimant:

Charles Ferguson, Esq.
Seattle, Washington

For Respondent Prudential Securities, Inc.:

Martin Hunger, Esq.
Prudential Securities, Inc.
New York, New York

For Respondents National Securities Corp.
and Thomas Wickersham:

Patrick Hinton, Esq.
Hinton & Roth
Seattle, Washington

CASE INFORMATION

Statement of Claim filed: August 16, 1999

Claimant's Uniform Submission Agreement signed: August 13, 1999

Respondent Prudential Securities, Inc.'s Statement of Answer filed: February 15, 2000

Respondent Prudential Securities, Inc.'s Uniform Submission Agreement signed: February 15, 2000

Respondents National Securities Corp.'s and Thomas Wickersham's Statement of Answer filed: February 15, 2000

CASE SUMMARY

Claimant alleged Wickersham was liable to him for damages for, among other things, purchasing and selling unsuitable securities in his accounts at Prudential Securities, Inc. and National Securities Corporation, making unauthorized trades, churning the accounts and breaching various

duties to him. Claimant alleged that Prudential Securities, Inc. and National Securities Corporation were liable to him as control persons of Wickersham.

All respondents denied the allegations of wrongdoing in their entirety and that Ellefson suffered the damages alleged or at all.

RELIEF REQUESTED

Claimant requested: An amount exceeding \$3,800,000.00 for alleged losses in his accounts, attorneys' fees and costs.

All Respondents requested dismissal of the Claimants' Statement of Claim in its entirety, attorneys' fees and costs.

Respondents National Securities Corporation and Thomas Wickersham also requested expungement of any reference of this dispute, complaint and/or Arbitration from Wickersham's CRD records.

OTHER ISSUES CONSIDERED AND DECIDED

All parties to the Arbitration have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

Respondents National Securities Corp. and Thomas Wickersham did not file with the NASD Dispute Resolution, Inc. a properly executed submission agreement, but are required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, are bound by the determination of the Panel on all issues submitted.

A hearing on the merits was commenced on May 15, 2001. Upon the close of Claimant's case against Respondents Thomas Wickersham and Prudential Securities, Inc. for the damages allegedly arising out of acts and/or omissions occurring prior to March 1, 1995, and upon motion by Prudential Securities, Inc. and Thomas Wickersham for dismissal of such claims based on the applicable statute of limitations, the eligibility rule of NASD Code of Arbitration Procedure section 10304, and for non-suit, the Panel ruled as follows:

Prudential Securities, Inc.'s and Thomas Wickersham's motion for dismissal is granted on all three grounds. Specifically, (i) the claims are barred by the applicable statute of limitations; (ii) the claims were ineligible for submission to this forum under Code of Arbitration Procedure section 10304; and (iii) Claimant has failed to present evidence sufficient to support these claims for relief.

After the motion for dismissal of Respondents Prudential Securities, Inc. and Thomas Wickersham was granted, Claimant and Respondents National Securities Corp. and Thomas Wickersham stipulated on the record to the dismissal of all remaining claims at issue in this proceeding, the entry of an award in this arbitration directing expungement of any reference to this dispute, complaint and/or Arbitration in Wickersham's CRD records, and that all each party to the stipulation will bear its own costs and expenses incurred in this matter, including attorneys' fees.

AWARD

After considering the stipulation of Claimant and Respondents National Securities Corp. and Thomas Wickersham, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) All claims are hereby dismissed;
- 2) Each party shall bear its own costs, including attorney's fees;
- 3) All other relief not expressly granted is denied.
- 4) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Thomas Wickersham registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Thomas Wickersham must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	=	\$600.00
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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 firms Prudential Securities, Inc. and National Securities Corp. are parties and the following fees are assessed to each firm:

Member Surcharge	=	\$2,500.00
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Pre-Hearing Process Fee	=	\$600.00
<u>Hearing Process Fee</u>	=	<u>\$4,500.00</u>
Total Member Fees assessed to each firm	=	\$7,600.00

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 Panel.

The following fees are assessed:

3 Pre-hearing conference session(s) with the Panel @ \$1,200/session	=	\$3,600.00
Pre-hearing conference(s): September 20, 2000	1 session	
April 2, 2001	1 session	
April 27, 2001	1 session	

4 Hearing sessions @ \$1,200/session	=	\$4,800.00
Hearing: May 15, 2001	2 sessions	
May 16, 2001	2 sessions	

Total Forum Fees	=	\$8,400.00
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The Panel assessed \$8,400.00 of the forum fees to Claimant.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	=	\$600.00
<u>Forum Fees</u>	=	<u>\$8,400.00</u>
Total Fees	=	\$9,000.00
<u>Less Payments</u>	=	<u>\$(1,800.00)</u>
Balance Due NASD Dispute Resolution, Inc.	=	\$7,200.00

2. Respondent Prudential Securities, Inc. is charged with the following fees and costs:

<u>Member Fees</u>	=	<u>\$7,600.00</u>
Total Fees	=	\$7,600.00
<u>Less Payments</u>	=	<u>\$(7,600.00)</u>
Balance Due NASD Dispute Resolution, Inc.	=	\$0.00

3. Respondent National Securities Corp. is charged with the following fees and costs:

<u>Member Fees</u>	=	<u>\$7,600.00</u>
Total Fees	=	\$7,600.00
<u>Less Payments</u>	=	<u>\$(7,600.00)</u>

NASD Dispute Resolution, Inc.

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Balance Due NASD Dispute Resolution, Inc. = \$0.00

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

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ARBITRATION PANEL

Richard E. Keefe, Esq.	-	Public, Presiding Chair
G.E. Craig Doupe, Esq.	-	Public Arbitrator
B. David Jarashow, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


 Richard E. Keefe, Esq.
 Chair, Public Arbitrator

6.19.01
 Signature Date

G.E. Craig Doupe, Esq.
 Public Arbitrator

Signature Date

B. David Jarashow, Esq.
 Non-Public Arbitrator

Signature Date

Date Served:

JUL 3 2001

Date of Service

ARBITRATION PANEL

Richard E. Keefe, Esq.	-	Public, Presiding Chair
G.E. Craig Doupe, Esq.	-	Public Arbitrator
B. David Jarashow, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Richard E. Keefe, Esq.
Chair, Public Arbitrator

Signature Date



G.E. Craig Doupe, Esq.
Public Arbitrator

6/20/2001

Signature Date

B. David Jarashow, Esq.
Non-Public Arbitrator

Signature Date

Date Served:

JUL 3 2001

Date of Service

Jul-02-01 11:53am From-

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 Arbitration No. 99-04725
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Richard E. Keefe, Esq.
 G.E. Craig Doupe, Esq.
 B. David Jarashow, Esq.

Public, Presiding Chair
 Public Arbitrator
 Non-Public Arbitrator

Concurring Arbitrators' Signatures

Richard E. Keefe, Esq.
 Chair, Public Arbitrator

Signature Date

G.E. Craig Doupe, Esq.
 Public Arbitrator

Signature Date


 B. David Jarashow, Esq.
 Non-Public Arbitrator

7/2/01
 Signature Date

Date Served:

JUL 3 2001

Date of Service