

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Peter A. Wissner Revocable Trust vs. Wells Fargo Securities, Inc. and Michael Pepper

Case Number: 01-06040

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Peter A. Wissner Revocable Trust

Frederick H. Stern, Esq.
Law Offices of Frederick H.
Stern
Encino, CA

For Respondents:

Wells Fargo Securities Inc.

Robert T. Sullwood, Esq.
Sullwood & Hughes
San Francisco, CA

Michael A. Pepper

Robert T. Sullwood, Esq.
Sullwood & Hughes
San Francisco, CA

CASE INFORMATION

Statement of Claim filed: November 2, 2001.

Claimant's Uniform Submission Agreement signed: November 2, 2001.

Statement of Answer filed by Respondents Wells Fargo Securities, Inc. and Michael Pepper:
January 4, 2002.

CASE SUMMARY

Claimant alleged the following claims:

1. Breach of Contract;
2. Breach of Fiduciary Duty;

3. Misrepresentation
4. Failure to Disclosure/Omission of Facts; and
5. Unauthorized Trading

Respondents denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$23,519.05 in compensatory damages, \$75,000.00 in punitive damages, and interest.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety, and costs, including attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Wells Fargo Securities, Inc. and Michael Pepper did not file with NASD Dispute Resolution a properly executed submission agreement but are required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") and having answered the claim, are bound by the determination of the Panel on all issues submitted.

On October 21, 2002, Claimant and Claimant's counsel signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

On November 20, 2002, Respondents Wells Fargo Securities, Inc. and Michael Pepper's counsel signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

The parties 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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's claims are denied in their entirety.

2. The Panel assessed \$ 1,125.00 of the forum fees jointly and severally to Respondents Wells Fargo Securities, Inc. and Michael Pepper.

Fee Summary

1. Claimant Peter A. Wissner Revocable Trust is charged with the following fees and costs:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	<u>= \$ 1,125.00</u>
Total Fees	= \$ 1,350.00
<u>Less payments</u>	<u>= \$ (975.00)</u>
Balance Due NASD Dispute Resolution	= \$ 375.00

2. Respondent Wells Fargo Securities, Inc. is with the following fees and costs:

Member Fees	= \$ 3,100.00
<u>Less payments</u>	<u>= \$ (3,100.00)</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents Wells Fargo Securities, Inc. and Michael Pepper are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 1,125.00
<u>Less payments by Wells Fargo Securities, Inc.</u>	<u>= \$ (1,600.00)</u>
Refund Due Wells Fargo Securities, Inc.	= \$ (475.00)

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

Ruben A. Vassolo, Esq.	-	Public Arbitrator, Presiding Chair
Norman R. Cohen, Esq.	-	Public Arbitrator
Kenneth E. Kreh	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Ruben A. Vassolo, Esq.
Chair, Public Arbitrator

11/21/02

Signature Date

Norman R. Cohen, Esq.
Public Arbitrator

Signature Date

Kenneth E. Kreh
Non-Public Arbitrator

Signature Date

November 22, 2002
Date of Service
NASD Use Only

ARBITRATION PANEL

Ruben A. Vassolo, Esq.	-	Public Arbitrator, Presiding Chair
Norman R. Cohen, Esq.	-	Public Arbitrator
Kenneth E. Kreh	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Ruben A. Vassolo, Esq.
Chair, Public Arbitrator

Signature Date



Norman R. Cohen, Esq.
Public Arbitrator

11/22/02
Signature Date

Kenneth E. Kreh
Non-Public Arbitrator

Signature Date

November 22, 2002
Date of Service
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ARBITRATION PANEL

Ruben A. Vassolo, Esq.	-	Public Arbitrator, Presiding Chair
Norman R. Cohen, Esq.	-	Public Arbitrator
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Chair, Public Arbitrator

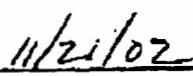
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Norman R. Cohen, Esq.
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