

**Award  
FINRA Dispute Resolution**

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In the Matter of the Arbitration Between:

Claimant  
Susan Jenkins

Case Number: 10-04851

vs.

Respondent  
Crowell, Weedon & Co.

Hearing Site: Los Angeles, California

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Nature of the Dispute: Customer vs. Member

**REPRESENTATION OF PARTIES**

Claimant Susan Jenkins, hereinafter referred to as "Claimant": Robert A. Uhl, Esq., Director, Mathew Troncali, Certified Law Student, and Lindsey Dodge, Certified Law Student, Pepperdine University School of Law, Investor Advocacy Clinic, Malibu, California.

Respondent Crowell, Weedon & Co., hereinafter referred to as "Respondent": Elizabeth Lowery, Esq., Edgerton and Weaver, LLP, Hermosa Beach, California.

**CASE INFORMATION**

Statement of Claim filed on or about: October 21, 2010

Claimant signed the Submission Agreement: October 21, 2010

Statement of Answer filed by Respondent on or about: February 4, 2011

Respondent signed the Submission Agreement: February 3, 2011

**CASE SUMMARY**

Claimant asserted the following causes of action: wrongful conduct, breach of fiduciary duty, breach of written contract, fraud by misrepresentation and omission, failure to supervise and control, violation of state and federal securities laws, and violation of FINRA Rules of Fair Practice and NYSE rules. The causes of action relate to Claimant's investments in Flaherty & Crumrine/Claymore Preferred Securities Income Fund, Inc., John Hancock Preferred Income Fund III and Nuveen Equity Premium & Growth Fund.

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Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested:

1. Compensatory damages in an amount not less than \$51,807.42;
2. Rescission;
3. Lost opportunity costs;
4. Attorneys' fees and costs;
5. Pre-judgment and post-judgment interest at the legal rate;
6. Punitive damages; and
7. Such other and further relief as the Arbitrator may deem just and proper.

In its Answer, Respondent requested:

1. Claimant's claims be dismissed with prejudice;
2. Costs;
3. Expungement of this matter from the Central Registration Depository ("CRD") records of non-party registered representative David Eversfield; and
4. Such other and further relief as the Arbitrator may deem just and proper.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The Arbitrator acknowledges that he has read the pleadings and other materials filed by the parties.

The parties have agreed that a handwritten, signed Award may be entered.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay to Claimant compensatory damages in the amount of \$35,513.00.
2. Respondent's request for expungement of this matter from non-party registered representative David Eversfield's CRD records is denied.
3. Any and all relief not specifically addressed herein, including punitive damages, is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

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### Filing Fees

FINRA Dispute Resolution assessed a filing fee\* for each claim:

Initial Claim Filing fee = \$ 975.00

*\*The filing fee is made up of a non-refundable and a refundable portion.*

FINRA Dispute Resolution preliminarily deferred the initial claim filing fee. The Arbitrator, at the conclusion of the case, determined that the non-refundable portion of the filing fee in the amount of \$225.00 should be assessed.

### Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Crowell, Weedon & Co. is assessed the following:

Member Surcharge	= \$ 1,100.00
Pre-Hearing Processing Fee	= \$ 750.00
Hearing Processing Fee	= \$ 1,700.00

### Hearing Session Fees and Assessments

The Arbitrator has assessed hearing session fees for each session conducted. A 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:

Two (2) Pre-hearing sessions with a single arbitrator @ \$450.00/session	= \$ 900.00
Pre-hearing conferences: April 25, 2011	1 session
July 21, 2011	1 session

Six (6) Hearing sessions @ \$450.00/session	= \$2,700.00
Hearing Dates: February 21, 2012	2 sessions
February 22, 2012	2 sessions
February 23, 2012	2 sessions

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Total Hearing Session Fees	= \$3,600.00
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The Arbitrator has assessed \$3,600.00 of the hearing session fees to Respondent.

All balances are payable to FINRA Dispute Resolution and are due upon receipt.

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**ARBITRATOR**

Robert J. Ruben

Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the Individual described herein and who executed this Instrument which is my award.

**Arbitrator's Signature**



Robert J. Ruben  
Sole Public Arbitrator

2/29/12

Signature Date

3/1/2012

Date of Service (For FINRA Dispute Resolution office use only)