

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Angelo Pugliares, (Claimant) vs. Ameritrade, Inc., (Respondent)

Case Number: 00-00090

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, Angelo Pugliares, hereinafter referred to as "Claimant", appeared *pro se*.

Respondent, Ameritrade, Inc., hereinafter referred to as "Respondent": James J. Vihstadt, Regulatory Manager, Ameritrade, Inc., Bellevue, NE.

CASE INFORMATION

Statement of Claim filed on or about: January 11, 2000.

Claimant signed the Uniform Submission Agreement: December 28, 1999.

Statement of Answer and Counterclaim filed by Respondent on or about: March 13, 2000.

Respondent signed the Uniform Submission Agreement: March 13, 2000.

CASE SUMMARY

Claimant asserted the following causes of action: Respondent executed a buy order that exceeded the amount of funds available in Claimant's account and Respondent was not consistent in the application of its rules.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: Respondent has no responsibility to cancel orders which may exceed the funds in an account; Claimant has failed to prove his claim for damages, as his trade was correctly processed and routed to the market, according to the terms he set for his purchase order; and Respondent provided the required notice to Claimant by promptly mailing a confirmation notice to him, which detailed the purchase.

In its Counterclaim, Respondent asserted the following causes of action: failure to repay a debit balance in account resulting from the transaction in question.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$6,700.00 and punitive damages in the amount of \$2,000.00

Respondent requested that the Statement of Claim be dismissed, and that all costs be assessed to Claimant.

In its Counterclaim, Respondent requested compensatory damages in the amount of \$786.88, plus costs and any other such relief that the Arbitrator may find just and equitable.

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 Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are hereby denied in their entirety.
2. Respondent's Counterclaim is hereby denied in its entirety.
3. All other requests for relief are hereby denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee
Counterclaim filing fee

= FEE WAIVED
= \$ 200.00

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, Ameritrade, Inc. is a party.

Member surcharge = \$ 300.00

Forum Fees and Assessments

The Arbitrator assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator, 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 \$250.00 = \$ 250.00

Pre-hearing conference: September 11, 2000 1 session

One (1) Hearing session x \$250.00 = \$ 250.00

Hearing Date: September 28, 2000 1 session

Total Forum Fees = \$ 500.00

The Arbitrator has assessed all of the forum fees against Respondent.

Fee Summary

1. Respondent be and hereby is solely liable for:

Counterclaim Filing Fee = \$ 200.00

Member Fees = \$ 300.00

Forum Fees = \$ 500.00

Total Fees = \$1,000.00

Less payments = \$ 525.00

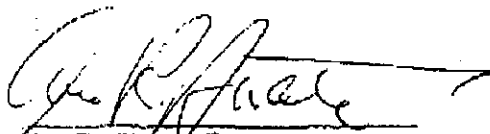
Balance Due NASD Dispute Resolution, Inc. = \$ 475.00

All balances are due and payable to NASD Dispute Resolution, Inc.

NASD Dispute Resolution, Inc.
Arbitration No. 00-00090
Award Page 4

Arbitrator's Signature

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



Alan R. Sigate, Esq.
Public Arbitrator

10/19/00

Signature Date

October 20, 2000

Date of Service (For NASD office use only)