

AWARD
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Philip J. Shurger, Sr.

and

00-00932
Indianapolis, Indiana

Name of Respondents

Lloyd Wade Securities Inc.
David Lloyd Rutkoske
Michael Arthur Niebuhr
Anthony A. Bisceglie
Barron Chase Securities
Ralph Ewing

REPRESENTATION OF PARTIES

Philip J. Shurger, Sr. ("**Claimant**") was represented by G. Martin Cole, Esq., Rothberg & Logan, Fort Wayne, Indiana.

Lloyd Wade Securities Inc. ("**Respondent Lloyd Wade**") was represented by David E. Graven, Esq., Lloyd Wade Securities Inc., Dallas, Texas. At the telephonic hearing, Respondent Lloyd Wade was represented by Lynne Marie True who was participating in Mr. Graven's absence.

David Lloyd Rutkoske ("**Respondent Rutkoske**") did not participate in the hearing.

Michael Arthur Niebuhr ("**Respondent Niebuhr**") after the conclusion of the telephonic hearing, was represented by Robert Ouriel, Esq., New York, New York.

CASE INFORMATION

The Statement of Claim was filed on or about March 2, 2000. Submission Agreement of Claimant Philip J. Shurger, Sr. was signed on February 29, 2000.

Respondent Lloyd Wade Securities Inc. did not file a responsive pleading.

Respondent David Lloyd Rutkoske did not file a responsive pleading.

Respondent Michael Arthur Niebuhr did not file a responsive pleading.

CASE SUMMARY

Claimant alleged that Respondent Bisceglie recommended unsuitable securities for purchase. It was also alleged that Respondent Bisceglie recommended that Claimant mortgage his home to make further purchases of highly risky and unsuitable issue, NetBet, Inc. It was further alleged that Respondents Lloyd Wade, Barron Chase, Niebuhr and Rutkoske failed to properly supervise Respondent Bisceglie.

RELIEF REQUESTED

In the Amended Statement of Claim, Claimant requested an award from and against Respondent Bisceglie in the amount of \$136,000, joint and several awards against Respondents Lloyd Wade Securities, Inc., David Lloyd Rutkoske, Ralph Ewing and Michael Niebuhr in the amount of \$95,000, and Barron Chase Securities, Inc. in the amount of \$41,000, prejudgment interest at the rate of 8% per annum, the cost of this proceeding, reasonable attorneys' fees in the prosecution of this action, and for all other just and proper relief in the premises.

OTHER ISSUES CONSIDERED & DECIDED

Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned arbitrators have determined that Respondents Lloyd Wade Securities Inc., David Lloyd Rutkoske, Michael Arthur Niebuhr and Anthony A. Bisceglie had been properly served with the Statement of Claim pursuant to Rule 10302 and Rule 10314 of the NASD Code of Arbitration Procedure (the "Code"). The undersigned arbitrators have also determined that Respondents Lloyd Wade Securities Inc., David Lloyd Rutkoske, Michael Arthur Niebuhr and Anthony A. Bisceglie had received due notice of the hearing as required under Rule 10315 of the Code and that arbitration of the matter would proceed pursuant to Rule 10318 of the Code.

Respondents Lloyd Wade Securities Inc., David Lloyd Rutkoske, Michael Arthur Niebuhr and Anthony A. Bisceglie did not file with the NASD Dispute Resolution, Inc. properly executed submissions to arbitration but are required to submit to arbitration pursuant to Rule 10301 of the Code and are bound by the determination of the arbitration panel on all issues submitted.

Prior to the commencement of the hearing of this matter, Claimant reached a settlement with Respondent Barron Chase Securities, Inc. and withdrew the claims asserted against Respondents Bisceglie and Ewing.

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. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution, Inc. (the "NASD").

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing and the post-hearing submissions, if any, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents Lloyd Wade Securities Inc. and David Lloyd Rutkoske shall be and hereby are jointly and severally liable for and shall pay to the Claimant the sum of \$50,000.00 (Fifty Thousand Dollars) as compensatory damages.
2. Respondents Lloyd Wade Securities Inc. and David Lloyd Rutkoske shall be and hereby are jointly and severally liable for and shall pay to the Claimant the sum of \$5,000.00 (Five Thousand Dollars) as attorneys' fees.
3. That to the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice.
4. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys fees.

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 = \$300.00

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. In this matter, the member firms are Lloyd Wade Securities Inc. and Barron Chase Securities, Inc.

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

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing 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:

One (1) Pre-hearing session(s) with Panel x \$1,125.00 = \$1,125.00
Pre-hearing conference(s): September 28, 2000 1 session

One (1) Hearing sessions x \$1,125.00 = \$1,125.00
Hearing Date(s): December 14, 2000 1 session

Total Forum Fees = \$2,250.00

The Arbitration Panel has assessed \$1,125.00 of the forum fees to Philip J. Shurger, Sr.

The Arbitration Panel has assessed \$1,125.00 of the forum fees jointly and severally to Lloyd Wade Securities Inc. and David Lloyd Rutkoske.

Fee Summary

Claimant, Philip J. Shurger, Sr., shall be and hereby is liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= \$1,125.00
Total Fees	= \$1,425.00
<u>Less payments</u>	= \$1,425.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

Respondent, Lloyd Wade Securities Inc., shall be and hereby is liable for:

Member Fees	= \$4,600.00
<u>Forum Fees</u>	= \$ 0.00
Total Fees	= \$4,600.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$4,600.00

Respondent, Barron Chase Securities Inc., shall be and hereby is liable for:

Member Fees	= \$1,400.00
<u>Forum Fees</u>	= \$ 0.00
Total Fees	= \$1,400.00

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<u>Less payments</u>	= \$ 800.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 600.00

Respondents, Lloyd Wade Securities Inc. and David Lloyd Rutkoske, shall be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	= \$1,125.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,125.00

All balances are due to NASD Dispute Resolution, Inc.

Dated:

/s/ Steve C. Bach
Steve C. Bach, Esq.
Public Arbitrator, Presiding Chair

January 29, 2001

/s/ Judy Estabrook Shepard
Judy Estabrook Shepard
Public Arbitrator

January 31, 2001

/s/ William Richard Smith
William Richard Smith
Industry Arbitrator

January 30, 2001

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Less payments

= \$ 800.00

Balance Due NASD Dispute Resolution, Inc.

= \$ 600.00

Respondents, Lloyd Wade Securities Inc. and David Lloyd Rutkoske, shall be and hereby are jointly and severally liable for:

Forum Fees

= \$1,125.00

Balance Due NASD Dispute Resolution, Inc.

= \$1,125.00

All balances are due to NASD Dispute Resolution, Inc.



Steve C. Bach, Esq.
Public Arbitrator, Presiding Chair

Dated:

1/29/01

Judy Estabrook Shepard
Public Arbitrator

William Richard Smith
Industry Arbitrator

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Less payments

= \$ 800.00

Balance Due NASD Dispute Resolution, Inc.

= \$ 600.00

Respondents, Lloyd Wade Securities Inc. and David Lloyd Rutkoske, shall be and hereby are jointly and severally liable for:

Forum Fees

= \$1,125.00

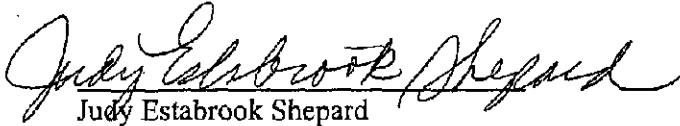
Balance Due NASD Dispute Resolution, Inc.

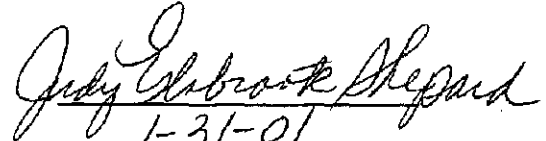
= \$1,125.00

All balances are due to NASD Dispute Resolution, Inc.

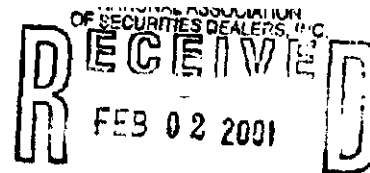
Dated:

Steve C. Bach, Esq.
Public Arbitrator, Presiding Chair


Judy Estabrook Shepard
Public Arbitrator


1-31-01

William Richard Smith
Industry Arbitrator



NASD Dispute Resolution, Inc.
Arbitration No. 00-00932
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<u>Less payments</u>	= \$ 800.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 600.00

Respondents, Lloyd Wade Securities Inc. and David Lloyd Rutkoske, shall be and hereby are jointly and severally liable for:

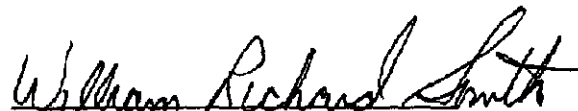
<u>Forum Fees</u>	= \$1,125.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,125.00

All balances are due to NASD Dispute Resolution, Inc.

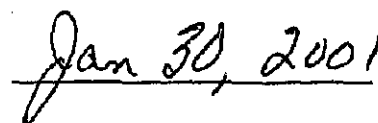
Dated:

Steve C. Bach, Esq.
Public Arbitrator, Presiding Chair

Judy Estabrook Shepard
Public Arbitrator



William Richard Smith
Industry Arbitrator


Jan 30, 2001