

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Tim A. Buscher, Claimant vs. Brent A. Patterson and Debi Hamel, Respondents.

Case Number: 00-03450

Hearing Site: San Francisco, California

REPRESENTATION OF PARTIES

Claimant, Tim A. Buscher, hereinafter referred to as "Claimant": Tim A. Buscher, First Allied Securities, Inc., Zephyr Cove, Nevada

Respondents, Brent A. Patterson ("Patterson") and Debi Hamel ("Hamel"), hereinafter referred to as "Respondents": Brent A. Patterson and Debi Hamel, S. Lake Tahoe, California

CASE INFORMATION

Statement of Claim filed on or about: August 9, 2000

Claimant, Tim A. Buscher, signed the Uniform Submission Agreement: August 8, 2000

CASE SUMMARY

Claimant alleged that Respondents have failed to pay a debit balance with respect to Respondents' margin account.

RELIEF REQUESTED

Claimant requested:

1. \$11,500.00 due per the Margin Agreement;
2. Reimbursement of all filing and legal fees;
3. An amount to be determined by the arbitrators representing pre-judgment and post-judgment interest on the amount set forth in item 1 above;
4. Punitive damages in the amount of \$50,000.00;
5. Such other relief as the Panel deems just and fair; and
6. Rescind complaint submitted by Patterson.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution, Inc. ("NASD-DR") a Statement of Answer or properly executed submissions to arbitration. The Panel determined that Respondents are subject to NASD-DR jurisdiction pursuant to the Account Information Form executed by

Respondents on or about January 10, 2000, and pursuant to the Margin Agreement executed by Respondents on or about January 10, 2000. The Panel further determined that Respondents have been properly served with Claimant's Statement of Claim and further determined that Respondents are required to submit to arbitration pursuant to the NASD-DR Code of Arbitration Procedure ("the Code") and are bound by the determination of the Panel on all issues submitted.

Respondents did not appear at the evidentiary hearing in this matter. Pursuant to Rule 10318 of the Code, the Panel determined that Respondents received proper notice of the hearing and ruled to proceed in Respondents' absence.

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

1. Respondents are jointly and severally liable for and shall pay to Claimant the sum of \$8,764.00 plus simple interest at 10% from March 13, 2000.
2. Respondents are jointly and severally liable for and shall pay to Claimant the sum of \$225.00 as reimbursement for Claimant's filing fee.
3. Respondent Patterson is solely liable for and shall pay to Claimant the sum of \$25,000.00 in punitive damages. The Panel found that Respondent Patterson's conduct in this matter warranted the award of punitive damages.
4. The panel recommends the expungement of Brent A. Patterson's complaint from Tim A. Buscher's U-4 Form and also recommends the expungement of Brent A. Patterson's complaint from Tim A. Buscher's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Mr. Buscher must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
5. The parties shall each bear their respective costs including any attorney's fees.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD-DR will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$225.00

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 firm is not a party.

Member surcharge = \$1,000.00
Pre-hearing process fee = \$ 600.00
Hearing process fee = \$1,500.00

Forum Fees and Assessments

The 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 with Panel x \$750.00 = \$750.00
Pre-hearing conference: March 1, 2001 1 session

One (1) Hearing session x \$750.00 = \$750.00
Hearing Date: April 30, 2001 1 session

Total Forum Fees = \$1,500.00

The Panel has assessed the \$1,500.00 in forum fees jointly and severally to Respondents Hamel and Patterson.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

The parties did not incur administrative costs.

Fee Summary

1. Claimant is liable for:

Initial Filing Fee = \$ 225.00
Administrative Costs = \$ 0.00

Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 975.00
Balance (Refund)	= \$ 750.00

2. First Allied Securities, Inc. is solely liable for:

Member Fees	= \$3,100.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$3,100.00
<u>Less payments</u>	= \$3,100.00
Balance Due NASD-DR	= \$ 0.00

3. Respondents Hamel and Patterson are jointly and severally liable for:

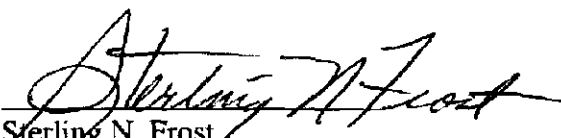
Forum Fees	= \$1,500.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$1,500.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD-DR	= \$1,500.00

All balances are due to NASD Dispute Resolution, Inc. and are payable within 30 days of the service date of this Award.

Concurring Arbitrators' Signatures

Amy Seltzer, Ph.D.
Public Arbitrator, Presiding Chair

Signature Date


Sterling N. Frost
Public Arbitrator

5/02/01
Signature Date

Deborah C. Bernot, CFP
Industry Arbitrator

Signature Date

Date Served:

MAY 10 2001

Date of Service (For NASD office use only)

NASD Dispute Resolution, Inc.

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Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 975.00
Balance (Refund)	= \$ 750.00

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Member Fees	= \$3,100.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$3,100.00
<u>Less payments</u>	= \$3,100.00
Balance Due NASD-DR	= \$ 0.00

3. Respondents Hamel and Patterson are jointly and severally liable for:

Forum Fees	= \$1,500.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$1,500.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD-DR	= \$1,500.00

All balances are due to NASD Dispute Resolution, Inc. and are payable within 30 days of the service date of this Award.

Concurring Arbitrators' Signatures


Amy Seltzer, Ph.D.
Public Arbitrator, Presiding Chair

5/2/2001
Signature Date

Sterling N. Frost
Public Arbitrator

Signature Date

Deborah C. Bernot, CFP
Industry Arbitrator
Date Served:

Signature Date

MAY 10 2001

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