

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:
Harry Finkle, Claimant vs. Track Data Securities, Respondent.

Case Number: 00-04137

Hearing Site: San Francisco, California

REPRESENTATION OF PARTIES

Claimant, Harry Finkle, hereinafter referred to as "Claimant": Harry Finkle, Carmel, California

Respondent, Track Data Securities – a Division of Track Securities Corporation ("TDS"), hereinafter referred to as "Respondent": Marshall Ian Baron, TDS, Brooklyn, New York

CASE INFORMATION

Statement of Claim filed on or about: September 20, 2000

Claimant, Harry Finkle, signed the Uniform Submission Agreement: October 4, 2000

Statement of Answer filed by Respondent, TDS, on or about: November 29, 2000

Respondent, TDS, signed the Uniform Submission Agreement: November 17, 2000

CASE SUMMARY

Claimant alleged that because of Respondent's misleading and negligent actions, he suffered losses with respect to his investment in OEX options.

Respondent denied Claimant's allegations of wrongdoing and denied any liability to Claimant.

RELIEF REQUESTED

Claimant requested damages in the amount of \$10,437.50.

OTHER ISSUES CONSIDERED AND DECIDED

None.

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 TDS is liable for and shall pay to Claimant the sum of \$2,000.00 in satisfaction of Claimant's claims.
2. The parties shall each bear their respective costs including any attorney's fees.
3. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$125.00
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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 a party.

Member surcharge	= \$400.00
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Forum Fees and Assessments

The Arbitrator has the authority to assess 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 the Arbitrator x \$450.00	= \$450.00
Pre-hearing conference: March 9, 2001 1 session	

One (1) Hearing session x \$450.00	= \$450.00
Hearing Date: May 10, 2001 1 session	

Total Forum Fees	= \$900.00
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1. The Arbitrator has assessed the \$900.00 in forum fees to Respondent, TDS.

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	= \$125.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$125.00
<u>Less payments</u>	= \$575.00
Balance (Refund)	= \$450.00

2. Respondent TDS is liable for:

Member Fees	= \$ 400.00
Forum Fees	= \$ 900.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$1,300.00
<u>Less payments</u>	= \$ 400.00
Balance Due NASD-DR	= \$ 900.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Stephen R. Clark

Public Arbitrator

Presiding Arbitrator's Signature



Stephen R. Clark
Public Arbitrator, Presiding Chair
Date Served:

5-23-01
Signature Date

MAY 25 2001

Date of Service (For NASD office use only)