

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION, INC.**

CASE: 00-04266

John H. Beeks, Claimant vs. First Union Brokerage Services, Inc., Respondent.

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**ATTORNEYS:**

Claimant, John H. Beeks, ("Claimant"), appeared Pro Se, Nutley, NJ.

Respondent, First Union Brokerage Services, Inc., ("Respondent"), appeared through its in-house counsel Patrick M. Dennis, Esq., Charlotte, NC.

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DATE FILED: September 27, 2000.

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**CASE SUMMARY:** Claimant alleged that through a series of transactions, he purchased 168.93 shares (cost: \$4,700.00) of the Evergreen Growth & Income Fund CL B (Symbol: EGIBX) on his account with Respondent. Claimant further alleged that Respondent illegally sold 90.94 of those shares. Claimant contended that Respondent made an unauthorized transfer of cash from the checking portion of the account into the brokerage portion. Claimant maintained that Respondent withdrew funds from the brokerage account and never reimbursed him. Claimant also contended that Respondent illegally cancelled his attempted purchase of shares of the Evergreen TR Aggressive Growth Fund CL B (Symbol: EAGBX) and the Evergreen Omega Fund CL B (Symbol: EKOBX). Claimant stated that because of Respondent's actions, he suffered a financial loss.

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**Claim Data**

Claim: \$2,000.00

Filing Fees: unspecified

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**Award Data**

Award: \$500.00

Filing Fees: \$75.00

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**AWARD:** The undersigned Arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the Claimant \$500.00. 2) The \$75.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the Claimant, shall be retained by NASD Dispute Resolution, Inc. 3) Respondent is liable and shall pay to the Claimant \$75.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution, Inc. the \$150.00 Member Surcharge previously invoiced.

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Award 00-04266

**AFFIRMATION**

I, Anthony Michael Sabino, 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.



Anthony Michael Sabino, Esq.

May 17, 2001  
Date of Award