

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

First Union Securities, Inc., Claimant v. Gregory J. Bischoff, Respondent

Case Number: 00-05027

Hearing Site: San Diego, California

REPRESENTATION OF PARTIES

For Claimant:

Diane C. Fischer, Esq.
Ronald P. Kane, Esq.
Kane & Fischer, Ltd.
Chicago, Illinois

For Respondent:

Gregory J. Bischoff
In Pro Per
Vista, California

CASE INFORMATION

Statement of Claim filed: November 10, 2000

Amended Statement of Claim filed: October 5, 2001

Claimant's Uniform Submission Agreement signed: November 7, 2000

Statement of Answer filed by Respondent: January 4, 2001

Respondent's Uniform Submission Agreement signed: January 3, 2001

CASE SUMMARY

In their Amended Statement of Claim, Claimant alleged failure to repay promissory notes and breach of employment contract.

Respondent denied the allegations of wrongdoing set forth in the Original and Amended Claimant's Statements of Claim.

RELIEF REQUESTED

In their Amended Statement of Claim, Claimant requested \$78,922.00 for the balance due and owing under promissory note dated January 28, 1999, \$28,468.00 for the balance due and owing under promissory note dated April 11, 2000, interest, attorney's fees, and arbitration costs.

Respondent requested dismissal of the Claimant's Original and Amended Statements of Claim in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

The parties 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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent is liable to and shall pay Claimant \$90,097.21 in compensatory damages.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 1,000.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm First Union Securities, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,000.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 1,500.00</u>
Total Member Fees	= \$ 3,100.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

2 Pre-hearing conference sessions with the Panel @ \$ 750.00/session	= \$ 1,500.00
Pre-hearing conferences: July 6, 2001 1 session	
September 14, 2001 1 session	
2 Hearing sessions @ \$ 1,125.00/session	= \$ 2,250.00
Hearing: February 12, 2002 2 sessions	
Total Forum Fees	= \$ 3,750.00

1. The Panel assessed \$ 1,875.00 of the forum fees to Claimant First Union Securities, Inc.
2. The Panel assessed \$ 1,875.00 of the forum fees to Respondent Gregory J. Bischoff.

Fee Summary

1. Claimant First Union Securities, Inc. is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 3,100.00
<u>Forum Fees</u>	<u>= \$ 1,875.00</u>
Total Fees	= \$ 5,975.00
<u>Less payments</u>	<u>= \$(4,850.00)</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,125.00

2. Respondent Gregory J. Bischoff is charged with the following fees and costs:

<u>Forum Fees</u>	<u>= \$ 1,875.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,875.00

All balances are payable to NASD Dispute Resolution, Inc. and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Richard M. Leigh	-	Non-Public Arbitrator, Presiding Chair
Donald E. Berryman	-	Non-Public Arbitrator
J. A. Dutcher, CPA	-	Non-Public Arbitrator

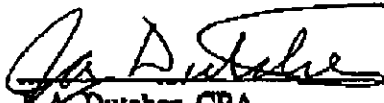
Concurring Arbitrators' Signatures

Richard M. Leigh
Chair, Non-Public Arbitrator

Signature Date

Donald E. Berryman
Non-Public Arbitrator

Signature Date


J. A. Dutcher, CPA
Non-Public Arbitrator

2/19/02
Signature Date

02/26/02
Date of Service

ARBITRATION PANEL

Richard M. Leigh

Non-Public Arbitrator, Presiding Chair

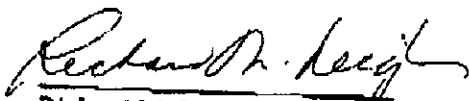
Donald E. Berryman

Non-Public Arbitrator

J. A. Dutcher, CPA

Non-Public Arbitrator

Concurring Arbitrators' Signatures



Richard M. Leigh
Chair, Non-Public Arbitrator

2/15/02
Signature Date

Donald E. Berryman
Non-Public Arbitrator

Signature Date

J. A. Dutcher, CPA
Non-Public Arbitrator

Signature Date

02/26/02
Date of Service