

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

George H. Bane

Case No. 00-05238

Name of Respondent

Ameritrade, Inc.

Hearing Site: Boca Raton, Florida

REPRESENTATION OF PARTIES

George H. Bane, hereinafter referred to as "Claimant", appeared pro se.

For Ameritrade, Inc., ("Ameritrade"), hereinafter also referred to as "Respondent": James
J. Vihstadt, Esq. of Ameritrade, Inc., Omaha, Nebraska.

CASE INFORMATION

Statement of Claim filed on or about: November 20, 2000. Statement of Claim filed o
Claimant signed the Uniform Submission Agreement on: November 20 2000. Claimant signed the Unifo
Statement of Answer filed by Respondent on or about: January 18, 2001. Statement of Answer filed
Respondent's Uniform Submission Agreement signed on: January 18, 2001, by James Respondent's Uniform Sub
Vihstadt, Regulatory Counsel, on behalf of the firm. Vihstadt, Regulatory Coun

CASE SUMMARY

Claimant alleged that Respondent was grossly negligent in the handling of the Rambus July 90 PUTS ("Rambus") in his account at Ameritrade. Further, Claimant alleged that the procedures relied upon by Ameritrade were inequitable to Claimant and constituted fraud.

Unless specifically admitted in its Answer, Respondent denied the allegations of wrongdoing contained in the Statement of Claim and asserted that Ameritrade properly handled Claimant's position in Rambus, in full compliance with the guidelines set by the Options Clearing Corporation (the "OCC") and the policies set by its clearing firm. Respondent maintained that it should not be held liable for damages claimed by Claimant because Claimant was fully apprised of the nature of trading in the options at issue when he opened his options account with Ameritrade.

RELIEF REQUESTED

Claimant requested an Award of \$128,141.91, plus interest and costs.

Respondent requested that the Statement of Claim be dismissed and that all costs of this proceeding be assessed to Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

The parties agreed that the Award in this matter may be executed in counterpart 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. Respondent is found not liable and, therefore, all claims against it are hereby denied.

2. The parties shall each bear their own costs and expenses incurred in connection with this proceeding.

3. Any and all requests for relief not specifically addressed herein are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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 firm is a party.

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

Forum Fees and Assessments

The Panel 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 Panel x \$1,125.00 = \$1,125.00
Pre-hearing conference date: June 11, 2001 1 session

Two (2) Hearing sessions x \$1,125.00 = \$2,250.00
Hearing Date: August 7, 2001 2 sessions

Total Forum Fees = \$3,375.00

The Panel has assessed \$1,687.50 of the forum fees to Claimant.
The Panel has assessed \$1,687.50 of the forum fees to Respondent.

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee = \$ 300.00
Forum Fees = \$1,687.50

Total Fees = \$1,987.50
Less payments = \$1,425.00

Balance Due NASD Dispute Resolution, Inc. = \$ 562.50

Respondent be and hereby is solely liable for:

Member Fees = \$4,600.00
Forum Fees = \$1,687.50

Total Fees = \$6,287.50
Less payments = \$4,600.00

Balance Due NASD Dispute Resolution, Inc. = \$1,687.50

All balances are due and payable to NASD Dispute Resolution, Inc. immediately upon receipt of the Award by the parties.

ARBITRATION PANEL

Meah Dell Rothman-Tell, Esq.	-	Public/Presiding Chair
George L. Davis	-	Public/Panelist
Harry Dressler	-	Non-Public/Panelist

Concurring Arbitrators' Signatures

_____/s/_____
Meah Dell Rothman-Tell, Esq.
Public Arbitrator, Presiding Chair

Signature Date

_____/s/_____
George Davis
Public Arbitrator


Signature Date

_____/s/_____
Harry Dressler
Non-Public Arbitrator

Signature Date

September 6, 2001
Date of Service (For NASD-Dispute Resolution office use only)

Concurring Arbitrators' Signatures



Meah Dell Rothman-Tell, Esq.
Public Arbitrator, Presiding Chair



Signature Date

George Davis
Public Arbitrator

Signature Date

Harry Dressler
Non-Public Arbitrator

Signature Date

Date of Service (For NASD-Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Meah Dell Rothman-Tell, Esq.
Public Arbitrator, Presiding Chair

Signature Date


George Davis
Public Arbitrator

9/4/01
Signature Date

Harry Dressler
Non-Public Arbitrator

Signature Date

Date of Service (For NASD-Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Meah Dell Rothman-Tell, Esq.
Public Arbitrator, Presiding Chair

Signature Date

George Davis
Public Arbitrator

Signature Date

Harry Dressler
Harry Dressler
Non-Public Arbitrator

09/04/2001
Signature Date

Date of Service (For NASD-Dispute Resolution office use only)