

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between

Name of Claimant

Ameritrade, Inc.

Case No. 00-05341

Name of Respondent

Shawn Majd

Hearing Site: Washington, DC

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**REPRESENTATION OF PARTIES**

Claimant, Ameritrade, Inc. ("Claimant"): James J. Vihstandt, Esq., Ameritrade, Inc., Bellevue, NE.

Respondent, Shawn Majd ("Respondent") did not appear at the hearing.

**CASE INFORMATION**

Statement of Claim filed on: November 22, 2000.

Claimant, signed the Uniform Submission Agreement: November 22, 2000.

Respondent did not file a Statement of Answer.

Respondent did not sign the Uniform Submission Agreement.

**CASE SUMMARY**

In its Statement of Claim, Claimant alleged the following: that Respondent bought 100,000 shares of MVEE (1st Miracle Group, Inc.) stock at \$0.037 per share, for a total cost of \$3,723; that three business days later, Respondent placed an order to sell all of the shares of MVEE at market price; that this was completed at \$0.4050 per share, for a total of \$40,480.65; that Respondent then requested that \$45,000 be wired from his account; that in accordance with his instructions, Claimant wired the money to Respondent's account; that approximately two hours later, the market maker issued a price correction report, indicating that the earlier price was not correct; and, that the MVEE shares should have been sold at \$0.04050, yielding \$4,031.86, after commissions.

Claimant further alleged that after the price correction was made, and because Respondent requested that \$45,000 be wired from his account, his account was left with a substantial debit balance. Claimant alleged that it liquidated a small number of securities to apply towards the debit balance, leaving a debit balance of \$34,037.73 that Respondent had not repaid.

This cause of action relates to the sale of MVEE (1st Miracle Group, Inc.) stock.

Respondent did not submit an Answer to the Statement of Claim.

#### **RELIEF REQUESTED**

Claimant requested:

Compensatory Damages	\$34,037.73
Interest	amount unspecified
Other Costs	amount unspecified

#### **OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made on behalf of Claimant, the undersigned arbitrator ("the Arbitrator") determined that Respondent Madj has been properly served with the Statement of Claim and received due notice of the hearing, and that the arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

#### **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. Claimant is awarded \$34,037.73, plus 7% simple interest per annum, with interest beginning to accrue on February 19, 2000 and ceasing to accrue on the date the award is paid in full;
2. the parties shall each bear their respective costs and expenses, including attorneys' fees, except as Fees are addressed below; and,
3. any and all request for relief not specifically addressed herein is denied in its entirety.

### FEES

Pursuant to 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	= \$1,000
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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 that employed the associated person at the time of the event giving rise to the dispute. In this matter, the member firm is Claimant Ameritrade, Inc.

Member surcharge	= \$ 800
Pre-hearing process fee	= \$ 600
Hearing process fee	= \$1,000

#### 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, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$450	= \$ 450
Pre-hearing conference: June 26, 2001 1 session	

One (1) Hearing sessions x \$450	= \$ 450
Hearing Date: July 27, 2001 1 sessions	

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Total Forum Fees	= \$ 900
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The arbitrator has assessed \$225 of the forum fees to Claimant Ameritrade, Inc.  
The arbitrator has assessed \$675 of the forum fees to Respondent Madj.

**Fee Summary**

Claimant, Ameritrade, Inc., is assessed and shall pay the following fees:

Initial Filing Fee	= \$1,000
Member Fees	= \$2,400
Forum Fees	= \$ 225
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Total Fees	= \$3,625
Less payments	= \$3,850
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Refund owed to Claimant	= \$ 225

Respondent, Madj, is assessed and shall pay the following fees:

Forum Fees	= \$ 675
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Total Fees	= \$ 675
Less payments	= \$ 0
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Balance Due NASD Dispute Resolution, Inc.	= \$ 675

All balances are due to NASD Dispute Resolution, Inc.

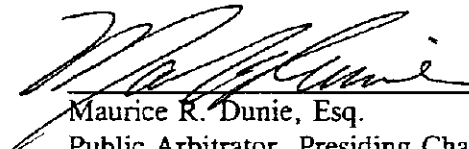
**ARBITRATION PANEL**

Maurice R. Dunie, Esq.

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Public, Presiding Chairperson  
Sole Arbitrator

Arbitrator's Signature

  
Maurice R. Dunie, Esq.  
Public Arbitrator, Presiding Chair

Aug. 18, 2001  
Signature Date

August 22, 2001  
Date of Service (For NASD-Dispute Resolution office use only)