

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Nationwide Investment Services Corp.

Case No. 00-05508

Name of Respondent

Clark Samuel Hartline, Jr.

Hearing Site: Atlanta, Georgia

REPRESENTATION OF PARTIES

For Nationwide Investment Services Corp. ("Nationwide"), hereinafter referred to as "Claimant": Robert P. Riordan, Esq. and Lisa M. Durham, Esq. of Alston & Bird LLP, Atlanta, Georgia.

For Clark Samuel Hartline, Jr. ("Hartline"), hereinafter referred to as "Respondent": Neal J. Quirk, Esq. and Brendan H. Parnell, Esq. of Quirk & Quirk, P.C., Atlanta, Georgia.

CASE INFORMATION

Statement of Claim filed on or about: December 11, 2000.

Claimant's Reply to Respondent's Counterclaim filed on or about: March 1, 2001.

Claimant signed the Uniform Submission Agreement: December 6, 2000.

Answer and Counterclaim filed by Respondent on or about: February 20, 2001.

Respondent signed the Uniform Submission Agreement: February 17, 2001.

Claimant's Notice of Dismissal of its Statement of Claim filed on or about: October 30, 2001.

Respondent's Waiver of Hearing and Request for Award on the Pleadings and Documentary Evidence and Brief in Support Thereof and Affidavit of Brendan H. Parnell, Esq. filed on or about: November 5, 2001.

Claimant's Response to Respondent's Waiver of Hearing and Request for Award on the Pleadings and Documentary Evidence and Brief in Support Thereof and Claimant's Motion to Strike and Motion to Replace the Panel filed on or about: November 21, 2001.

Respondent's Response to Claimant's Motion to Strike and Motion to Replace the Panel filed on or about: December 4, 2001.

Claimant's Supplemental Response to Respondent's Request for an Award on the

Pleadings and Documentary Evidence and Brief in Support Thereof filed on or about: January 14, 2002.

Supplement to Respondent's Waiver of Hearing and Request for Award on the Pleadings and Documentary Evidence and Brief in Support Thereof filed on or about: January 15, 2002.

CASE SUMMARY

Claimant alleged that Respondent violated the terms of an agreement entered into between Nationwide and Hartline by engaging in activity competitive with Nationwide.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim and asserted various defenses. In addition, Respondent asserted a counterclaim which alleged that Claimant interfered with his ability to do business and Claimant has been stubbornly litigious in this matter.

Unless specifically admitted in its Reply to Counterclaim, Claimant denied the allegations made in the counterclaim.

RELIEF REQUESTED

Claimant requested permanent injunctive relief to bar Respondent from engaging in any further competitive activity and damages to compensate Claimant for Respondent's violation of the agreement. Further, Claimant requested a dismissal of Respondent's counterclaim with all fees and costs incurred to be cast upon Respondent.

Respondent requested that all relief by Claimant be denied; that the covenants not to compete in the agreement between Claimant and Respondent be deemed unenforceable; that Claimant be required to give its written authorization that Respondent may recommend to his former clients that they surrender, redeem and/or terminate their relationships with Claimant or its affiliated companies; that Claimant be enjoined from refusing to transfer request forms submitted by Respondent on behalf of individual participants; that Respondent be awarded his costs and attorneys' fees incurred in this matter; and, that the Panel grant Respondent such other and further relief as it deemed legal, equitable and just.

OTHER ISSUES CONSIDERED AND DECIDED

On or about October 30, 2001, Claimant informed NASD Dispute Resolution, Inc. that it had dismissed, with prejudice, all claims against Respondent.

On or about December 6, 2001, the arbitration panel issued an order which denied

Respondent's request for waiver of the hearing and request for award and denied Claimant's motion to strike and motion to replace the arbitration panel. On or about December 13, 2001, Claimant requested that the Director remove the arbitration panel. On or about December 20, 2001, after review of Claimant's request and Respondent's response, the Director denied Claimant's application to remove the panel. On or about December 17, 2001, the arbitration panel issued an order which confirmed their December 6, 2001 order. On or about December 27, 2001, Claimant joined in Respondent's request for waiver of the hearing. On or about December 31, 2001, the arbitration panel issued an order which stated that the Panel unanimously agreed that the hearing may be waived and set a deadline of January 15, 2002 for the submission of any additional pleadings the parties wished to file.

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, the motions and responses and the entire record in this matter, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Respondent's counterclaim is denied in its entirety.

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	= \$500.00
Counterclaim filing fee	= \$250.00

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	= \$1,200.00
Pre-hearing process fee	= \$600.00
Hearing process fee	= \$2,000.00

Adjournment Fees

Adjournments requested during these proceedings:

There were no adjournments requested during these proceedings.

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 Pre-hearing session with Panel x \$1,000.00	= \$1,000.00
Pre-hearing conference: July 18, 2001	1 session
<hr/>	
Total Forum Fees	= \$1,000.00

The panel has assessed \$500.00 of the forum fees to Claimant.

The panel has assessed \$500.00 of the forum fees to Respondent.

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.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$500.00
Member Fees	= \$3,800.00
Forum Fees	= \$500.00

Total Fees	= \$4,800.00
Less payments	= \$4,800.00

Balance Due NASD Dispute Resolution, Inc.	= \$0.00
---	----------

Respondent be and hereby is solely liable for:

Filing Fee	= \$250.00
Forum Fees	= \$500.00

Total Fees	= \$750.00
Less payments	= \$750.00

Balance Due NASD Dispute Resolution, Inc. = \$0.00

ARBITRATION PANEL

Thomas C. Moxley	-	Non-Public, Presiding Chair
F. John Herrmann	-	Non-Public Arbitrator
Barbara Marie Bantivoglio	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____/S/_____
Thomas C. Moxley
Non-Public Arbitrator, Presiding Chair

Signature Date

_____/S/_____
F. John Herrmann
Non-Public Arbitrator

Signature Date

_____/S/_____
Barbara Marie Bantivoglio
Non-Public Arbitrator

Signature Date

February 11, 2002
Date of Service (For NASD-Dispute Resolution office use only)


Balance Due NASD Dispute Resolution, Inc.

= \$0.00

ARBITRATION PANEL

Thomas C. Moxley	-	Non-Public, Presiding Chair
F. John Herrmann	-	Non-Public Arbitrator
Barbara Marie Bantivoglio	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Thomas C. Moxley
Non-Public Arbitrator, Presiding Chair

05 Feb 02
Signature Date

F. John Herrmann
Non-Public Arbitrator

Signature Date

Barbara Marie Bantivoglio
Non-Public Arbitrator

Signature Date

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

Balance Due NASD Dispute Resolution, Inc.

= \$0.00

ARBITRATION PANEL

Thomas C. Moxley	-	Non-Public, Presiding Chair
F. John Herrmann	-	Non-Public Arbitrator
Barbara Marie Bantivoglio	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Thomas C. Moxley
Non-Public Arbitrator, Presiding Chair

Signature Date

F. John Herrmann
Non-Public Arbitrator

February 4, 2002
Signature Date

Barbara Marie Bantivoglio
Non-Public Arbitrator

Signature Date

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

ARBITRATION PANEL

Thomas C. Moxley	-	Non-Public, Presiding Chair
F. John Herrmann	-	Non-Public Arbitrator
Barbara Marie Bantivoglio	-	Non-Public Arbitrator

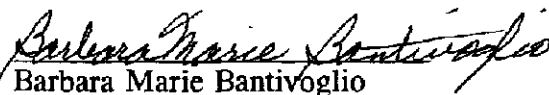
Concurring Arbitrators' Signatures

Thomas C. Moxley
Non-Public Arbitrator, Presiding Chair

Signature Date

F. John Herrmann
Non-Public Arbitrator

Signature Date


Barbara Marie Bantivoglio
Non-Public Arbitrator


Signature Date

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