

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

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In the Matter of the Arbitration Between:

Richard Soller and Shun C. Soller CMT IRA Custodian, Claimants vs. Bidwell & Company,  
Respondent

Case Number: 01-00261

Hearing Site: Portland, Oregon

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**REPRESENTATION OF PARTIES**

For Claimants:

Kim T. Buckley, Esq.  
Esler, Stephens & Buckley  
Portland, Oregon

For Respondent:

Kevin C. Peck  
Bidwell & Company  
Portland, Oregon

**CASE INFORMATION**

Statement of Claim filed on or about: January 29, 2001

Claimants' Hearing Memorandum filed on or about: September 28, 2001

Claimants' Uniform Submission Agreement signed: January 6, 2001

Statement of Answer filed by Respondent, Bidwell & Company ("Bidwell"), on or about:  
February 20, 2001

Respondent's Uniform Submission Agreement signed: February 20, 2001

**CASE SUMMARY**

Claimants alleged that they filed the above-captioned dispute against Respondent Bidwell because Bidwell (1) made unauthorized trades, (2) made untrue statements of material fact concerning the symbols for certain securities, thereby causing the Sollers to trade in securities they did not want, and (3) made untrue statements and misleading omissions when Bidwell demanded that the Sollers buy back options they had sold. Claimants also alleged the following claims: (1) Unauthorized Trades; (2) Unlawful Purchase and Sale of Securities; (3) Unsuitability; and (4) Failure to Supervise.

Respondent denied Claimants' allegations of wrongdoing and denied any liability to Claimants.

### **RELIEF REQUESTED**

Claimants requested an award of \$25,287.50, plus interest thereon at the rate of 9% per annum from October 10, 2000, plus reasonable attorney fees and arbitration costs and expenses.

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

None.

### **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. All claims by Claimants are dismissed.
2. Each party shall bear its own costs, including attorney's fees.
3. All other relief not expressly granted is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. ("NASD-DR") will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$150.00
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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, Bidwell, is a party and the following fees are assessed:

Member surcharge	= \$600.00
Pre-hearing process fee	= \$600.00
<u>Hearing process fee</u>	<u>= \$1,000.00</u>
Total Member Fees	= \$2,200.00

**Forum Fees and Assessments**

The Arbitrator 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 Chair/Panel. The following fees are assessed:

(1) Pre-hearing conference session with the Arbitrator @ \$450.00/session = \$450.00

Pre-hearing conference: August 28, 2001 1 session

(1) Hearing session @ \$450.00/session = \$450.00

Hearing Date: October 18, 2001 1 session

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Total Forum Fees = \$900.00

1. The Arbitrator assessed \$450.00 of the forum fees to Claimants.
2. The Arbitrator assessed \$450.00 of the forum fees to Respondent.

**Administrative Costs**

Administrative costs are expenses incurred because a party requested additional services beyond the normal administrative services. These additional services include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, security, and other requests.

The parties did not incur administrative costs.

**Fee Summary**

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 150.00
Forum Fees	= \$ 450.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$ 600.00
<u>Less payments</u>	= \$ (600.00)
Balance Due NASD-DR	= \$ 0.00

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

Member Fees	= \$ 2,200.00
Forum Fees	= \$ 450.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$ 2,650.00
<u>Less payments</u>	= \$ (2,200.00)
Balance Due NASD-DR	= \$ 450.00

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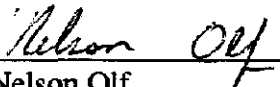
All balances are payable to NASD Dispute Resolution, Inc. and are payable upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

**ARBITRATION PANEL**

Nelson Olf

Public Arbitrator, Presiding Chair

**Presiding Arbitrator's Signature**

  
Nelson Olf  
Public Arbitrator, Presiding Chair

Nov 3 2001  
Signature Date

**Date Served:**

**NOV 9 2001**

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Date of Service (For NASD office use only)