

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:
First Union Securities, Inc., Claimant v. Steven D. O'Donnell, Respondent

Case Number: 01-00265

Hearing Site: Seattle, Washington

REPRESENTATION OF PARTIES

For Claimant First Union Securities:

Diane C. Fischer
Kane and Fischer
Chicago, Illinois

For Respondent Steven O'Donnell:

R. Hays Goddard
Goddard and Wetherall
Bellevue, Washington

CASE INFORMATION

Statement of Claim filed: January 18, 2001

Claimant's Uniform Submission Agreement signed: January 16, 2001

Statement of Answer filed by Respondent: March 19, 2001

Respondent's Uniform Submission Agreement signed: March 14, 2001

CASE SUMMARY

Claimant alleged that Respondent O'Donnell failed pay back his outstanding overdraw deficit, accumulated while O'Donnell was an employee of Claimant First Union.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested total damages in the amount of \$37,657.38.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety, and requested that Claimant provide an accounting for the origin of the alleged overdraw deficit.

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 shall pay to Claimant \$30,614.38.
- 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. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 1,000.00
--------------------------	---------------

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 is a party and the following fees are assessed:

Member Surcharge	= \$ 800.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$ 1,000.00
Total Member Fees	= \$ 2,400.00

Adjournment Fees

The following adjournment fees are assessed:

No adjournment fees were incurred in this matter.

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 Chair/Panel. The following fees are assessed:

(1) Pre-hearing conference session with a single arbitrator @ \$ 450.00/session = \$ 450.00
Pre-hearing conference: November 27, 2001 1 session

(1) Pre-hearing conference session with the Panel @ \$600.00/session = \$ 600.00
Pre-hearing conference: September 6, 2001 1 session

(2) Hearing sessions @ \$600.00/session = \$ 1,200.00
Hearing: January 10, 2002 2 sessions

Total Forum Fees = \$ 2,250.00

1. The Panel assessed \$ 1,125.00 of the forum fees to Claimant.
2. The Panel assessed \$ 1,125.00 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.

No additional administrative costs were incurred in this matter.

Fee Summary

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

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 2,400.00
<u>Forum Fees</u>	= \$ 1,125.00
Total Fees	= \$ 4,525.00
<u>Less Payments</u>	= \$ (4,000.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 525.00

NASD Dispute Resolution, Inc.

Arbitration No. 01-00265

Award Page 4 of 5

2. Respondent, O'Donnell, is charged with the following fees and costs:

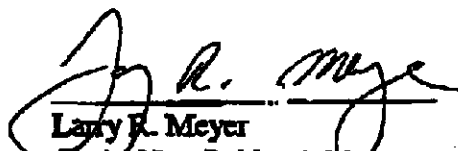
Forum Fees	= \$ 1,125.00
Less Payments	= \$ (0.00)
<hr/> Balance Due NASD Dispute Resolution, Inc.	<hr/> = \$ 1,125.00

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

Larry R. Meyer	-	Non-Public, Presiding Chair
Monte W. Anthony	-	Non-Public Arbitrator
Jonathan W. Kaiser	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Larry R. Meyer
Chair, Non-Public Arbitrator

2-14-02
Signature Date

Monte W. Anthony
Non-Public Arbitrator

Signature Date

Jonathan W. Kaiser
Industry/Non-Public Arbitrator

Signature Date

Date Served:
FEB 15 2001


Date of Service

NASD Dispute Resolution, Inc.
Arbitration No. 01-00265
Award Page 5 of 5

Concurring Arbitrators' Signatures

Larry R. Meyer
Chair, Non-Public Arbitrator

Signature Date



Monte W. Anthony
Non-Public Arbitrator

2-4-2002

Signature Date

Jonathan W. Kaiser
Industry/Non-Public Arbitrator

Signature Date

Date Served:
FEB 15 2001

Date of Service

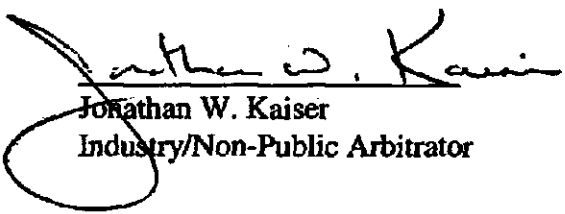
Concurring Arbitrators' Signatures

Larry R. Meyer
Chair, Non-Public Arbitrator

Signature Date

Monte W. Anthony
Non-Public Arbitrator

Signature Date


Jonathan W. Kaiser
Industry/Non-Public Arbitrator

2/5/02
Signature Date

Date Served:

FEB 15 2001

Date of Service