

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Ted Kolwicz, Jr.

Case No. 01-00439

Name of Respondent

Ameritrade, Inc.

Hearing Site: Atlanta, Georgia

REPRESENTATION OF PARTIES

For Ted Kolwicz, Jr. hereinafter referred to as "Claimant": Steven J. Gard, Esq. of Page Gard Smiley & Bishop LLP, Atlanta, Georgia.

For Ameritrade, Inc., ("Ameritrade") hereinafter referred to as "Respondent": James J. Vihstadt, Regulatory Counsel, Ameritrade.

CASE INFORMATION

Statement of Claim filed on or about: January 25, 2001.

Claimant signed the Uniform Submission Agreement: January 24, 2001.

Claimant's Reply to Counterclaim filed on or about: April 14, 2001.

Answer to Statement of Claim and Counterclaim filed by Respondent on or about: March 26, 2001.

Response to Claimant's Reply filed on or about: April 19, 2001.

Respondent signed the Uniform Submission Agreement: March 26, 2001.

CASE SUMMARY

Claimant asserted the following: Claimant sought damages as a result of Respondent effecting an unauthorized sale of Lanier Worldwide, Inc. stock in Claimant's Ameritrade, Inc. account in November of 2000.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted that Respondent had the legal right to liquidate the shares at issue in Claimant's account. Respondent asserted a counterclaim which alleged that Claimant had a debit balance in his account for which it seeks payment, as restitution for monies owed and unpaid.

In response to the counterclaim, Claimant alleged it is not liable to Respondent for any amount.

RELIEF REQUESTED

Claimant requested compensatory damages of approximately \$86,569.31; punitive damages in an amount to be determined by the Panel; all of Claimant's costs, expenses and disbursements, including attorneys' fees, expert witness fees, forum fees and other costs associated with this proceeding; pre- and post-award interest; and, such other relief as the Panel deemed just and proper. Further, Claimant requested a dismissal of the counterclaim.

Respondent requested that the Statement of Claim be dismissed and an Award for Respondent in the amount of \$3,365.33, plus costs and interest and such other relief deemed just by the arbitrators.

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, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's claims are denied in their entirety.

Respondent's claims are denied in their entirety.

Any and all requests for relief not specifically addressed herein, including Claimant's request for punitive damages, are denied.

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	= \$225.00
Counterclaim filing fee	= \$400.00

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	= \$1,000.00
Pre-hearing process fee	= \$600.00
Hearing process fee	= \$1,500.00

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 \$750.00	= \$750.00
Pre-hearing conference: August 20, 2001	1 session
One Hearing session x \$750.00	= \$750.00
Hearing Date: October 11, 2001	1 session

Total Forum Fees	= \$1,500.00
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The panel has assessed \$750.00 of the forum fees to Claimant.

The panel has assessed \$750.00 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	= \$225.00
Forum Fees	= \$750.00

Total Fees	= \$975.00
Less payments	= \$975.00

Balance Due NASD Dispute Resolution, Inc.	= \$0.00
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Respondent be and hereby is solely liable for:

Member Fees	= \$3,100.00
Counterclaim Filing Fee	= \$400.00
Forum Fees	= \$750.00

Total Fees	= \$4,250.00
Less payments	= \$4,100.00

Balance Due NASD Dispute Resolution, Inc.	= \$150.00
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All balances are due and payable to NASD Dispute Resolution, Inc. immediately upon the receipt of the Award by the parties pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

<i>Ilene T. Gormly, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>George H. Loughery</i>	-	<i>Public Arbitrator</i>
<i>David S. Saylor</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

_____/S/_____
Ilene T. Gormly
Public Arbitrator, Presiding Chair

Signature Date

_____/S/_____
George H. Loughery
Public Arbitrator

Signature Date

_____/S/_____
David S. Saylor
Non-Public Arbitrator

Signature Date

October 30, 2001
Date of Service (For NASD-Dispute Resolution office use only)

NASD Dispute Resolution, Inc.

Arbitration No. 01-00439

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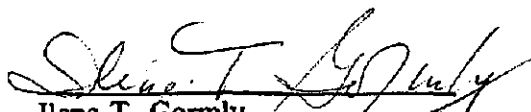
Balance Due NASD Dispute Resolution, Inc.	= \$150.00
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All balances are due and payable to NASD Dispute Resolution, Inc. immediately upon the receipt of the Award by the parties pursuant to Rule 10:30(g) of the Code.

ARBITRATION PANEL

<i>Ilene T. Gormly, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>George H. Loughery</i>	-	<i>Public Arbitrator</i>
<i>David S. Saylor</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures


Ilene T. Gormly
Public Arbitrator, Presiding Chair


Signature Date

George H. Loughery
Public Arbitrator

Signature Date

David S. Saylor
Non-Public Arbitrator

Signature Date

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

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ARBITRATION PANEL

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<i>George H. Loughery</i>	-	<i>Public Arbitrator</i>
<i>David S. Saylor</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Ilene T. Gormly
Public Arbitrator, Presiding Chair

Signature Date

George H. Loughery
George H. Loughery
Public Arbitrator

Oct. 26, 2001
Signature Date

David S. Saylor
Non-Public Arbitrator

Signature Date

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

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FL ARBITRATION

Total Fees	= \$975.00
Less payments	= \$975.00

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Less payments	= \$4,100.00

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All balances are due and payable to NASD Dispute Resolution, Inc. immediately upon the receipt of the Award by the parties pursuant to Rule 10130(g) of the Code.

ARBITRATION PANEL

<i>Ilene T. Gormly, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>George H. Loughery</i>	-	<i>Public Arbitrator</i>
<i>David S. Saylor</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Ilene T. Gormly
Public Arbitrator, Presiding Chair

Signature Date

George H. Loughery
Public Arbitrator

Signature Date

David S. Saylor

David S. Saylor
Non-Public Arbitrator

10-19-01

Signature Date

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