

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Raymond, James & Associates, Inc.

Case Number: 01-01380

Name of the Respondent

Mark C. Holstrom

Hearing Site: Indianapolis, Indiana

REPRESENTATION OF PARTIES

Stacia L. Yoon, Esq., of Kopko Genetos & Reson LLP, located in Merrillville, Indiana represented Claimant Raymond James & Associates, Inc. (Claimant).

Paul A. Leonard, Jr., Esq., of Goodman Ball Van Bokkelen & Leonard, P.C., located in Highland, Indiana represented Respondent Mark C. Holstrom ("Holstrom").

CASE INFORMATION

Statement of Claim filed on or about: March 22, 2001.

Claimant signed the Uniform Submission Agreement: March 15, 2001.

Statement of Answer filed by Respondent May 11, 2001.

CASE SUMMARY

Claimant alleged that respondent refused to return funds that were sent to him in error.

In his Statement of Answer, Respondent Holstrom asserted that the Statement of Claim should be dismissed for lack of jurisdiction through the NASD Dispute Resolution Inc.

RELIEF REQUESTED

Claimants requested:

Compensatory Damages	\$29,878.43
Punitive damages	Unspecified
Interests	Unspecified
Other Costs	Unspecified
Other Monetary Relief	Unspecified

Respondent requests that the Statement of Claim be dismissed in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

At a Telephone Pre-hearing Conference conducted on February 6, 2002, it was agreed that the dispute would be determined as a paper case, since there was only a jurisdictional issue raised in defense by Respondent Holstrom. Further, it was agreed that Respondent Holstrom would send a brief on the issue by March 29, 2002 and the Claimant would respond by April 30, 2002. On February 21, 2002, Respondent filed a waiver of hearing and acknowledged that a brief would be sent on the jurisdictional issue.

Respondent Holstrom failed to submit a brief by the agreed upon date. Therefore, the undersigned arbitrator has denied Respondent Holstrom's objection to jurisdiction and specifically finds that Respondent Mark C. Holstrom is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

AWARD

After considering the pleadings, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Mark C. Holstrom, be and hereby is solely liable for and shall pay to Claimant Raymond James & Associates, Inc. the sum of Twenty-Nine Thousand, Eight Hundred and Seventy- Eight Dollars and Forty-Three Cents (\$29, 878.43) as Compensatory Damages.
2. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 600.00

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 events giving rise to the dispute. Accordingly, Raymond, James & Associates, Inc. is a party and the following member fees are assessed:

Member surcharge = \$ 600.00
Pre-hearing process fee = \$ 600.00

The Hearing process fee was not assessed because of the agreement to waive hearing.

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Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed: None

Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted. A 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 @ \$450.00	= \$ 450.00
Pre-hearing conference: February 6, 2002 1 session	
Total Forum Fees	= \$ 450.00

The Panel has assessed \$450.00 of the forum fees to Respondent Mark C. Holstrom.

SEE SUMMARY

Claimant Raymond, James & Associates, Inc. is solely liable for:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 1,200.00
Total Fees	= \$ 2,200.00
Less payments	= \$ 2,650.00
Balance Refunded by NASD Dispute Resolution	= \$ 450.00

Respondent Mark C. Holstrom is solely liable for:

Forum Fees	= \$ 450.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 450.00

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

ARBITRATION PANEL

Paul Lansing, Esq. - Public Arbitrator, Presiding Chairperson

Arbitrator's Signature

Paul Lansing

Paul Lansing, Esq.
 Public Arbitrator, Presiding Chairperson

Oct 2, 2002

Signature Date

10/2/02
 Date of Service (For NASD Dispute Resolution office use only)