

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02-05439

Fahnestock & Co. Inc., Claimant vs. Patricia A. Clark and Oba D. Johnson, Respondents.

ATTORNEYS:

For Claimant, Fahnestock & Co. Inc., ("Claimant") appeared W. Scott Turnbull, Esq., of the Law Offices of Miller, Canfield, Paddock and Stone, PLC, Detroit, MI.

Respondents, Patricia A. Clark and Oba D. Johnson, (collectively "Respondents"), did not respond to the Statement of Claim.

DATE FILED: September 9, 2002

CASE SUMMARY: Claimant alleged that Respondents have failed to repay amounts owed on their joint account arising from the erroneous credit of 3,000 shares of Keystone Small Growth Fund to the account. Claimant further alleged that the corporation corrected the mistaken credit of the 3,000 shares of Keystone Small Growth Fund thus leaving a debit balance in the joint account. Claimant maintained that due to Respondents' actions, the corporation suffered financial losses.

Claim Data

Claim: \$7,322.01
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$7,322.01
Attorney Fees: \$.00
Filing Fees: \$750.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents are jointly and severally liable and shall pay to the Claimant \$7,322.01. 2) All requests for attorney fees are denied. 3) All other relief requests are denied. 4) The \$750.00 filing fee previously deposited with NASD Dispute Resolution by the Claimant, shall be retained by NASD Dispute Resolution. 5) Respondents are jointly and severally liable and shall pay Claimant \$750.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Claimant, Fahnestock & Co. Inc. has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

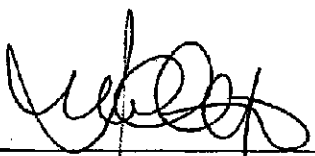
OTHER ISSUES: Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondents, Patricia A. Clark and Oba D. Johnson, were served notice of the Statement of Claim and Notification of Arbitrator by regular mail and Overdue Notice by certified mail, and are therefore bound by the arbitrator's ruling and determination.

Ina N. Otto, Esq.

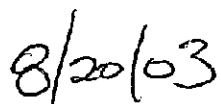
Sole Public Arbitrator

AFFIRMATION

I, Ina N. Otto, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



Ina N. Otto, Esq.



Signature Date

September 12, 2003
Date of Service (For NASD-DR office use only)