

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

CASE: 02-05994

H&R Block Advisors, claimant vs. Hector Gamboa, respondent.

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**ATTORNEYS:**

For Claimant appeared in-house counsel, Kurt M. Miller, Esq., Detroit, MI.

Respondent did not respond to the Statement of Claim.

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DATE FILED: October 8, 2002

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**CASE SUMMARY:** Claimant alleged that respondent purchased shares of Broadcom Corp CL A and Newfocus with a check that was returned for insufficient funds. Claimant contended it was forced to sell-out respondent's account resulting in an outstanding debit balance. Claimant maintained that due to respondent's actions, the firm suffered losses.

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**Claim Data**

Claim: \$8,188.99

Interest: Unspecified

Attorney Fees: Unspecified

Filing Fees: \$1,075.00

Other: Unspecified

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**Award Data**

Award: \$8,188.99

Interest: 8.75% p.a. from 10/09/00 until  
date of payment of the award

Attorney Fees: \$400.00

Filing Fees: \$750.00

Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$8,188.99. 2) Respondent is liable and shall pay to the claimant interest at the rate of 8.75% per annum from October 9, 2000 until date of payment of the award. 3) Respondent is liable and shall pay claimant attorney fees in the amount of \$400.00. 4) All other relief requests are denied. 5) The \$750.00 filing fee previously deposited with NASD Dispute Resolution by the claimant, shall be retained by NASD Dispute Resolution. 6) Respondent is liable and shall pay claimant \$750.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, claimant has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:** Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that respondent Hector Gamboa was served notice of the Statement of Claim and Notification of Arbitrator by regular mail and Overdue Notice by certified mail, as evidenced by the signed signature card on file and is therefore bound by the arbitrator's ruling and determination.


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Award 02-05994

Thomas Y. Higashi, Esq.

Sole Public Arbitrator

**AFFIRMATION**

I, Thomas Y. Higashi, 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.

  
Thomas Y. Higashi, Esq.

  
Signature Date

February 6, 2003

Date of Service (For NASD-DR office use only)