



**Stipulated Award**  
**NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Name of the Claimant  
Thomas V. Haas

Case Number: 02-07346

Name of the Respondents  
RBC Dain Rauscher, Inc.,  
Robert W. Baird & Co., Inc.,  
Clinton R. Wilson, Donald A. Decker,  
John R. Stengel, III, and  
Raymond James Financial Services, Inc.

Hearing Site: Chicago, Illinois

**NATURE OF THE DISPUTE**

Customer v. Associated Person

**REPRESENTATION OF PARTIES**

Sandor L. Grossman, Esq., with Law Offices located in Chicago, Illinois, represented Claimant Thomas V. Haas hereinafter referred to as "Haas."

Patrick J. Howley, Esq., in-house counsel for RBC Dain Rauscher, Inc., located in Florham Park, New Jersey, represented RBC Dain Rauscher, Inc., hereinafter referred to as "Dain Rauscher," and John R. Stengel, III, hereinafter referred to as "Stengel."

Moirra K. Moran, Esq., in-house counsel for Robert W. Baird & Co., Inc., Milwaukee, Wisconsin, represented Robert W. Baird & Co., Inc., hereinafter referred to as "Robert W. Baird," and Donald A. Decker, hereinafter referred to as "Decker."

Ronald P. Kane, Esq., of the firm Kane & Fisher, Ltd., located in Chicago, Illinois, represented Raymond James Financial Services, Inc., hereinafter referred to as "Raymond James."

**CASE INFORMATION**

Statement of Claim filed on or about: December 5, 2002.

Amended Statement of Claim filed on or about: April 2, 2003.

Second Amended Statement of Claim filed on or about: August 13, 2003.

Claimant Haas signed the Uniform Submission Agreement: March 24, 2003.

Statement of Answer filed by Respondent Wilson on or about: April 15, 2003.

Statement of Answer filed by Respondent Raymond James to the Second Amended Statement of Claim on or about: October 15, 2003.

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Statement of Answer to Amended Statement of Claim and Motion to Dismiss filed by  
Respondents Robert W. Baird Decker on or about: June 06, 2003.  
Respondent Decker signed the Uniform Submission Agreement: June 5, 2003.

**CASE SUMMARY**

Claimant Haas asserted the following causes of action: Breach of Contract; Margin Calls; Negligence; Failure to Supervise; Failure to Execute; Misrepresentations and Omissions; Churning; Unsuitability; Common Law Fraud; Breach of Fiduciary Duty and Constructive Fraud; and Respondeat Superior.

The causes of action relate to stocks.

Unless specifically admitted in his Answer, Respondent Decker denied the allegations made in the Statement of Claim.

**RELIEF REQUESTED**

**Claimant Haas requested:**

Compensatory Damages	\$134,000.00
Punitive Damages	\$ 50,000.00
Interest	unspecified
Attorneys' Fees	unspecified
Other Costs	unspecified
Other Monetary/Non-Monetary Relief if any:	any relief the panel deems just and equitable

**Respondent requested:**

Attorneys' Fees	unspecified
Other Costs	unspecified
Other Monetary/Non-Monetary Relief if any:	expungement of his CRD record and denial and dismissal of claims

**AWARD**

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

The Panel recommends the expungement of all reference to the above-captioned arbitration from Respondent Donald A. Decker's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Donald A. Decker must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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### 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 = \$ 300.00

#### 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, Respondents RBC Dain Rauscher, Robert W. Baird, and Raymond James Financial, as parties, are assessed the following fees:

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00
<b>Total</b>	<b>= \$ 5,200.00</b>

#### Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel at \$1,125.00	= \$ 1,125.00
Pre-hearing conference: August 14, 2003 1 session	
<b>Total Forum Fees</b>	<b>= \$ 1,125.00</b>

Pursuant to 10306 of the Code, the six remaining parties, Haas, RBC Dain Rauscher, Raymond James Financial, Wilson, Decker, and Stengel are each assessed 187.50 as forum fees.

### FEE SUMMARY

Claimant Haas is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 187.50
<b>Total Fees</b>	<b>= \$ 487.50</b>
<b>Less payments</b>	<b>= \$ 1,425.00</b>
<b>Refund Due from NASD Dispute Resolution</b>	<b>= \$ 937.50</b>

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Respondent RBC Dain Rauscher is solely liable for:

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 187.50
Total Fees	= \$ 5,387.50
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 187.50

Respondent Raymond James Financial is solely liable for:

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 187.50
Total Fees	= \$ 5,387.50
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 187.50

Respondent Robert W. Baird is solely liable for:

Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Decker is solely liable for:

<u>Forum Fees</u>	= \$ 187.50
Total Fees	= \$ 187.50
<u>Less payments</u>	= \$ 125.00
Balance Due NASD Dispute Resolution	= \$ 62.50

Respondent Stengel is solely liable for:

<u>Forum Fees</u>	= \$ 187.50
Total Fees	= \$ 187.50
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 187.50

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

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ARBITRATOR

Rev. David J. Langseth

Public Arbitrator, Presiding Chairperson

Arbitrator's Signature

  
Rev. David J. Langseth

03/31/2005  
Signature Date

4.4.05  
Date of Service (For NASD Dispute Resolution office use only)