

**STIPULATED AWARD
NASD Dispute Resolution**

In the Matter of the Arbitration Between

Claimant

Thomas Klucsartis

v.

03-03425
Denver, Colorado

Respondents

David S. Hauptman, Richard Owens, Cathy Owens
Thomas Smith, Debra Smith, Gereon Fredrickson
and Roxanne Fredrickson

NATURE OF DISPUTE

Associated Person v. Customers

REPRESENTATION OF PARTIES

Thomas Klucsartis ("**Claimant**") was represented by Stephen D. Bell, Esq., of Dorsey & Whitney, LLP, Denver, Colorado.

David S. Hauptman. ("**Hauptman**"), Richard Owens ("**Richard Owens**") Cathy Owens ("**Cathy Owens**"), Thomas Smith ("**Thomas Smith**"), Debra Smith ("**Debra Smith**"), Gereon Fredrickson ("**Gereon Fredrickson**") and Roxanne Fredrickson ("**Roxanne Fredrickson**"), hereinafter collectively referred to as "**Respondents**," were represented by Kenneth Siegel, Esq., of Sherman & Howard, Denver, Colorado.

CASE INFORMATION

The Statement of Claim was filed on or about May 8, 2003. The Submission Agreement of Claimant was signed on or about May 3, 2003.

No Statement of Answer or Submission Agreements were submitted on behalf of Respondents, David S. Hauptman, Richard Owens, Cathy Owens, Thomas Smith, Debra Smith, Gereon Fredrickson or Roxanne Fredrickson.

A Stipulation For an Award for Expungement was received on or about May 8, 2003.

CASE SUMMARY

Claimant sought expungement from his CRD record as to all references to the following claims:

NASD Dispute Resolution Claim # 01-04111
01-04744
01-04157
02-00396

Respondents have stipulated to this Award and the parties have agreed that no further response is required from Respondents.

OTHER ISSUES CONSIDERED & DECIDED

The claims for which Claimant Kluscarits sought expungement had been consolidated with arbitration case #s 01-01184 because of their similarity. All claims were settled except for the 01-01184 claim that went to hearing. The undersigned arbitrator was the Chairman of that proceeding. At the conclusion of the 01-01184 hearing, the Panel recommended the expungement of Kluscarits' registration records maintained by the Central Registration Depository ("CRD") as to the claims asserted in case # 01-01184. The parties have agreed that this expungement should have been applied to all of the consolidated arbitration cases and that this Stipulated Award be executed solely by the Chairman in arbitration case # 01-01184 - Eugene M. Osman.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the originals remain on file with NASD Dispute Resolution ("NASD").

AWARD

After considering the parties' stipulation, but without making any findings of fact or conclusions of law, the undersigned arbitrator orders as follows:

1. The Panel recommends the expungement of all reference to arbitration claims # 01-04111, 01-04744, 01-04157 and 02-00396 from Claimant, Thomas Klusartis' 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, Claimant, Thomas Klusartis, must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;

2. To the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto, including punitive damages, are denied with prejudice; and
3. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys' fees.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain the non-refundable filing fee for each claim:

Initial claim filing fee = \$ 250

FEE SUMMARY

Claimant, Thomas Kluesartis is liable for:

<u>Initial Filing Fee</u>	= \$ 250
<u>Total Fees</u>	= \$ 250
<u>Less payments</u>	= \$ 1,250
<u>Balance Refunded From NASD Dispute Resolution</u>	= \$ 1,000

All balances are due to NASD Dispute Resolution pursuant to Rule 10330(g) of the Code of Arbitration

ARBITRATOR

Eugene M. Osman - Non-Public Arbitrator, Presiding Chair

Arbitrator's Signature:



Eugene M. Osman
Non-Public Arbitrator, Presiding Chair

APRIL 4, 2006
Signature Date

4/5/06
Date of Service (NASD use only)