

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-02254

Frank H. Lorch and Frank H. Lorch as Custodian for Carl S. Lorch UTMA IA, Claimants v.
Charles Schwab & Co., Inc., Respondent

ATTORNEYS:

For Claimant

Claimants Frank H. Lorch and Frank H. Lorch as Custodian for Carl S. Lorch UTMA IA
(collectively "Claimants") appeared *pro se* through Frank H. Lorch, Spirit Lake, IA.

For Respondent Charles Schwab & Co., Inc. ("Respondent") appeared Brandon K. Hemley,
Esq., in-house counsel, Charles Schwab & Co., Inc., San Francisco, CA.

NATURE OF DISPUTE: Customers vs. Member.

DATE FILED: April 1, 2004.

CASE SUMMARY: Claimants alleged that Respondent made unsuitable recommendations with respect to shares of Seitel Inc. Claimant further alleged that Respondent failed to follow Claimants' instructions by having brokers contact him via telephone. Claimants maintained that due to Respondent's actions, the accounts suffered losses.

ARBITRATOR'S REPORT: In reviewing this matter, it appears that the claim is brought against the representative who gave the advice to purchase the security but the investment was purchased by the Claimant through another registered representative (i.e., American Express) and not through the Respondents. Because of this, I fail to see that the Claimant has a valid claim against the Respondents.

Claim Data

Claim: \$7,386.95
Filing Fees/Costs: \$500.00

Award Data

Award: \$.00
Filing Fees/Costs: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimants are dismissed in their entirety. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$325.00 filing fee that the Claimants deposited previously.

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

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Award 04-02254

Robert Berkshire, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Robert Berkshire, 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.


Robert Berkshire, Esq.

12/29/04
Signature Date

January 3, 2005
Date of Service (For NASD-DR office use only)