

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

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CASE: 04-08600

Jacques Mertens, (Claimant) vs. Ameritrade, Inc., (Respondent)

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**ATTORNEYS:**

Claimant appeared pro se, Belgium.

For Respondent appeared in-house counsel, James J. Vihstadt, Omaha, NE.

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**NATURE OF DISPUTE:** Customer vs. Member

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**DATE FILED:** December 16, 2004

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**CASE SUMMARY:** Claimant alleged that Respondent communicated inaccurate information to the IRS, causing Claimant to have to pay penalties and interest. Claimant maintained that due to Respondent's actions, he suffered financial losses. Claimant's claim involved unspecified securities products.

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**Claim Data**

Claim: \$2,564.00

Punitive: \$460.00

Filing Fees: Unspecified

**Award Data**

Award: \$11,216.00

Punitive: \$8,412.00

Filing Fees: \$175.00

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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 \$11,216.00. 2) Respondent is liable and shall pay Claimant punitive damages in the amount of \$8,412.00 for failing to act responsibly or in a timely manner to research, explain and correct errors in its reporting of income and withholding of taxes in Claimant's account. Ameritrade acted when asked to do so by the SEC. Ameritrade has shown indifference to the rights of its customer and a punitive damage award is warranted. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$175.00 filing fee that the claimant deposited previously. 5) Respondent is liable and shall pay claimant \$175.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$200.00 Member Surcharge previously invoiced.

Page Two  
Award 04-08600

Jane S. McMahon, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Jane S. McMahon, Esq., do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument, which is my award.

Jane S. McMahon  
Jane S. McMahon, Esq.

July 7, 2005  
(Signature Date)

JULY 13, 2005  
Date of Service (For NASD-DR office use only)