

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 05-05176

Scott Boyd, (Claimant) vs. Donna Tkach, (Respondent)

ATTORNEYS:

For Claimant appeared Todd C. Atkins, Esq., of the firm Atkins & Davidson, San Diego, CA.

Respondent did not submit an Answer to the Statement of Claim.

NATURE OF DISPUTE: Associated Person vs. Customer

DATE FILED: October 4, 2005

CASE SUMMARY: Claimant requested expungement of the customer complaint filed by Respondent, shown on his records maintained by Central Registration Depository ("CRD"). Claimant maintained that because of the comments, customers may decline to employ his services and other investment firms may refuse to offer him employment on the basis of the complaint.

Claim Data

Claim: \$1,000.00
Attorney Fees: Unspecified
Filing Fees: \$.00
Other: Unspecified
Expungement: Requested

Award Data

Award: \$.00
Attorney Fees: \$.00
Filing Fees: \$50.00
Other: \$.00
Expungement: Granted

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The monetary claims of the Claimant are dismissed in their entirety. 2) All requests for attorney fees are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$50.00 filing fee that the Claimant deposited previously. 5) Respondent is liable and shall pay Claimant \$50.00 as reimbursement of the filing fee. 6) The Panel recommends the expungement of all reference of the customer complaint made by Respondent Donna Tkach filed by WM Financial Services, Inc. (CRD 599) on behalf of Claimant Scott Boyd (CRD 1551025) via a Form U4 amendment. The expungement directive should include any other references to this Donna Tkach complaint that may appear on Claimant's CRD record, with the understanding that pursuant to NASD Notice to Members 04-16, Claimant Scott Boyd must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents. Pursuant to Rule 2130, the arbitration panel has made the

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following affirmative findings of fact: The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds.or

OTHER FEES: Pursuant to Rule 10333 of the Code, WM Financial Services, Inc. has paid to NASD Dispute Resolution the \$150.00 Member Surcharge previously invoiced.

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Otis E. Hackett

Sole Public Arbitrator

AFFIRMATION

I, Otis E. Hackett, 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.


Otis E. Hackett

3/6/06
(Signature Date)

March 8, 2006
Date of Service (For NASD-DR office use only)