

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

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In the Matter of the Arbitration Between:

RBC Dain Rauscher Inc., Claimant v. Steven W. Hanna, Respondent

Case Number: 05-05355

Hearing Site: Portland, Oregon

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Nature of the Dispute: Member v. Associated Person

**REPRESENTATION OF PARTIES**

For Claimant:

Carolyn Guy, Esq.  
RBC Dain Rauscher Inc.  
Minneapolis, Minnesota

For Respondent:

Steve W. Hanna  
Pro Se  
Bend, Oregon

**CASE INFORMATION**

Statement of Claim filed: October 12, 2005

Claimant's Uniform Submission Agreement signed: October 11, 2005

Statement of Answer filed by Respondent: None filed

Respondent's Uniform Submission Agreement signed: None filed

**CASE SUMMARY**

Claimant alleged that Respondent failed to repay the outstanding loan balance due on a Promissory Note dated February 19, 2003, upon the termination of his employment effective August 16, 2005.

Respondent did not file an answer to the Statement of Claim.

### **RELIEF REQUESTED**

Claimant requested \$32,045.17 in compensatory damages, pre-judgment interest at a rate of 3.22 % per annum, and costs, including attorney's fees.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Respondent Steven W. Hanna did not file with the NASD Dispute Resolution a properly executed submission agreement but is required to submit to arbitration pursuant to NASD Code of Arbitration Procedure (the "Code") and is bound by the determination of the Arbitrator on all issues submitted.

Upon review of the file and the representations made by and on behalf of Claimant, the undersigned Arbitrator determined that Respondent Steve W. Hanna was properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

After considering the pleadings, testimony, and evidence presented at the hearing, the Arbitrator decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent is liable to and shall pay Claimant the sum of \$32,000.00 in compensatory damages.
- 2) Respondent is liable to and shall pay to Claimant interest at a rate of 3.22% per annum on the sum of \$32,000.00 from August 16, 2005 until payment of this award is made in full.
- 3) Respondent is liable to and shall pay Claimant the sum of \$1,982.00 as reimbursement for filing costs, attempted service of process costs, and payment made to the Department of Consumer and Business Services.
- 4) Respondent is liable to and shall pay Claimant the sum of \$7,840.00 in attorney's fees, pursuant to the terms of the Promissory Note.
- 5) Except as noted above, the parties shall bear their respective costs, including attorney's fees.

6) All other relief requested and not expressly granted is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$1,000.00
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#### **Member Fees**

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm RBC Dain Rauscher Inc is a party and the following fees are assessed:

Member Surcharge	= \$ 875.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$1,000.00
<b>Total Member Fees</b>	<b>= \$2,625.00</b>

#### **Forum Fees and Assessments**

The Arbitrator assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

(1) Pre-hearing conference session with a single arbitrator @ \$ 450.00/session= \$ 450.00	
Pre-hearing conference: February 2, 2006	1 session

(1) Hearing session @ \$450.00/session	= \$ 450.00
Hearing: July 24, 2006	1 session

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<b>Total Forum Fees</b>	<b>= \$900.00</b>
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1. The Arbitrator assessed \$900.00 of the forum fees to Respondent.

**Fee Summary**

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 2,625.00
Total Fees	= \$ 3,625.00
Less payments	= \$(4,075.00)
<b>Refund Due Claimant</b>	<b>= \$( 450.00)</b>

2. Respondent is charged with the following fees and costs:

Forum Fees	= \$ 900.00
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 900.00</b>


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

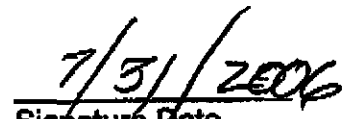
**ARBITRATION PANEL**

**Vern L. Cameron**

- **Non-Public Arbitrator, Presiding Chair**

**Arbitrator's Signature**

  
Vern L. Cameron  
Chair, Non-Public Arbitrator

  
Signature Date

  
Date of Service