

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

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CASE: 06-00098

Kirk M. Hardiman, (Claimant) vs. Piper Jaffray & Company, (Respondent)

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**ATTORNEYS:**

Claimant appeared *pro se*, Danville, CA.

For Respondent appeared Steven M. Phillips, Esq., of the firm Anthony Ostlund & Baer, P.A., Minneapolis, MN.

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**NATURE OF DISPUTE:** Associated Person vs. Member

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**DATE FILED:** January 5, 2006

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**CASE SUMMARY:** Claimant requested an Order expunging certain language from the Form U-5 and Registration Comment Request Form. Respondent had no objection to this request. The parties entered into a Stipulated Award.

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**Claim Data**

Claim: Expungement  
Filing Fees: \$.00  
Other: Unspecified

**Award Data**

Award: Granted  
Filing Fees: \$1,250.00  
Other: \$.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) The Panel recommends the expungement of the word "discharge" as the reason for termination, and expungement of the phrase "unsatisfactory performance" as the explanation in the termination comment in Item 3 of Claimant Kirk M. Hardiman's (CRD Number 2223266) Form U-5 that was filed with the Central Registration Depository ("CRD") by Respondent Piper Jaffray & Company (CRD Number 665) on October 19, 2005, based on the erroneous and defamatory nature of the Registration Comment Request Form and submitted by Respondent Piper Jaffray & Company (CRD Number 665) to correct the Form U-5 termination comment error. The Panel further recommends the expungement of all reference to the above-captioned arbitration from Claimant Kirk M. Hardiman's (CRD Number 2223266) registration records maintained by CRD. 2) Following the expungement of the Form U-5 and Registration Comment Request Form information described in paragraph 1 above, the only language that should appear as part of the termination comment in Item 3 of Claimant Kirk M. Hardiman's (CRD Number 2223266) Form U-5 that was filed by Respondent Piper Jaffray & Company (CRD Number 665) on October 19, 2005 should be "Other" as the reason for termination, followed by the explanation, "By Mutual Agreement." The parties are hereby ordered to restrict their discussions of Claimant Kirk M. Hardiman's employment termination to

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only that described herein. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$1,250.00 filing fee that the Claimant deposited previously. 5) Respondent is liable and shall pay Claimant \$1,250.00 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 \$1,500.00 Member Surcharge previously invoiced.

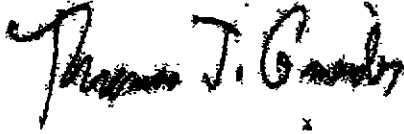
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Thomas J. Gmeinder, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Thomas J. Gmeinder, 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.



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Thomas J. Gmeinder, Esq.

May 8, 2006  
(Signature Date)

May 9, 2006  
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Date of Service (For NASD-DR office use only)