

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Norman R. Waldherr  
Mona Jean Waldherr

No. 92-02266

Name of Respondent

Olde Discount, Corp.

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REPRESENTATION OF PARTIES

Claimant Norman R. Waldherr appeared pro se. Claimant Mona Jean Waldherr was not present at the hearing.

For Respondent: Mark Kendall, Registered Representative, Olde Discount, Corp., Lombard, Illinois.

CASE INFORMATION

Statement of Claim filed: July 6, 1992.

Claimants' Submission Agreement signed on: June 30, 1992.

Statement of Answer and Counterclaim filed by Respondent, Olde Discount Corp. on: September 4, 1992.

Respondent Olde Discount, Corp.'s Submission Agreement signed on: September 28, 1992.

Respondent Olde Discount, Corp.'s letter withdrawing their Counterclaim filed: October 1, 1992.

#### **HEARING INFORMATION**

Hearing date: December 8, 1992. One (1) session.

Hearing Location: Chicago, Illinois.

#### **CASE SUMMARY**

Claimants Norman R. Waldherr and Mona Jean Waldherr ("Claimants") alleged that respondent Olde Discount, Corp. ("Respondent"): Participated in a cover-up designed to disguise a trading error; traded in a customer's account without authorization; attempted to defraud a customer; and wrongfully debited a customer's account. The allegations arose out of trades in Holco Mtg Accep Corp 1.

In its Answer, Respondent denied any liability asserted in the Statement of Claim.

#### **RELIEF REQUESTED**

Claimant requested an Award of \$181.18 against the Respondent.

Respondent requested that the Statement of Claim be dismissed.

#### **OTHER ISSUES CONSIDERED & DECIDED**

The parties have agreed that the Award in this matter may be executed by counterpart copy or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original remains on file with the NASD.

#### **AWARD**

After considering the pleadings, the testimony, and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for

determination as follows:

1. Claimants, Norman R. Waldherr's and Mona Jean Waldherr's claim against Respondent Olde Discount, Corp. is hereby denied and dismissed with prejudice.

2. Each party shall bear their own costs, and attorneys' fees, for this arbitration.

**FORUM FEES**

Pursuant to Section 43(c) of the NASD Code of Arbitration Procedure (the "Code"), the following forum fees are assessed:

1 hearing sessions X \$15.00 = \$15.00

Pursuant to Section 43(c) of the Code of Arbitration, the NASD shall retain the nonrefundable filing fee in the amount of \$15.00, and shall retain the hearing session deposit in the amount of \$15.00 previously paid to the NASD by the Claimant.

**CONCURRING ARBITRATORS**

Dated:

December 8, 1992

/s/David A. Youngerman  
David A. Youngerman  
Presiding Chair  
Public Arbitrator

Date of Service by the NASD:

December 10, 1992