

**Award**  
**NASD Regulation, Inc.**

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In the Matter of the Arbitration Between:

Kemper Securities, Inc.. n/k/a First Union Securities. Inc. (Claimant) vs. Robert Lemons  
(Respondent)

Case Number: 95-00569

Hearing Site: Chicago, Illinois

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**REPRESENTATION OF PARTIES**

Claimant Kemper Securities. Inc., n/k/a First Union Securities. Inc. ("Kemper"): Renan  
Sugarman. Esq., First Union Securities Legal Department. Chicago, Illinois.

Respondent Robert Lemons failed to appear.

**CASE INFORMATION**

Statement of Claim filed on or about: February 08, 1995

Claimant Kemper signed the Uniform Submission Agreement: December 28, 1994

**CASE SUMMARY**

Claimant asserted the following causes of action: failure to pay unsecured debit balance  
on customer account.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages	\$16,185.00
Attorneys' Fees	unspecified
Other Costs	unspecified

**OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators the "Panel" determined that Respondent Robert Lemons has been 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").

Respondent Robert Lemons did not file with the NASD Regulation, Inc. Office of Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

### **AWARD**

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

1. Respondent Robert Lemons shall be and hereby is solely liable to Kemper Securities, Inc., n/k/a First Union Securities in the amount of \$16,185.00
2. Any and all other relief requested by Claimant Kemper Securities Inc., n/k/a First Union Securities shall be and hereby is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$500.00

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge = \$200.00

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

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Three (3) Hearing sessions x \$600.00 = \$1,800.00

Hearing Dates:	October 03, 1997	1 session
	December 16, 1997	1 session
	August 31, 1999	1 session

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Total Forum Fees = \$1,800.00

1. The Panel has assessed \$1,800.00 of the forum fees to Respondent Lemons.

**Fee Summary**

1. Claimant Kemper shall be and hereby is solely liable for:

Initial Filing Fee	= \$ 500.00
<u>Member Fees</u>	= \$ 200.00
Total Fees	= \$ 700.00
<u>Less payments</u>	= \$1,300.00
Balance Due NASD Regulation, Inc.	= \$ (600.00)

2. Respondent Lemons shall be and hereby is solely liable for:

<u>Forum Fees</u>	= \$1,800.00
Total Fees	= \$1,800.00
<u>Less payments</u>	= \$ 000.00
Balance Due NASD Regulation, Inc.	= \$1,800.00

All balances are due to NASD Regulation, Inc

**Concurring Arbitrators' Signatures**

/s/ Michael C. Craven  
Michael C. Craven, Esq.  
Public Arbitrator, Presiding Chair

July 18, 2000  
Signature Date

/s/ Theodore M. Utchen  
Theodore M. Utchen, Esq.  
Public Arbitrator

July 18, 2000  
Signature Date

/s/ Joseph D. Mathewson  
Joseph D. Mathewson, Esq.  
Industry Arbitrator

April 13, 2000  
Signature Date

\_\_\_\_\_  
Date of Service (For NASD office use only)

Fee Summary

1. Claimant Kemper shall be and hereby is solely liable for:

Initial Filing Fee	= \$ 500.00
Member Fees	= \$ 200.00
Total Fees	= \$ 700.00
Less payments	= \$ 1,300.00
Balance Due NASD Regulation, Inc.	= \$ (600.00)

2. Respondent Lemons shall be and hereby is solely liable for:

Forum Fees	= \$1,800.00
Total Fees	= \$1,800.00
Less payments	= \$ 000.00
Balance Due NASD Regulation, Inc.	= \$1,800.00

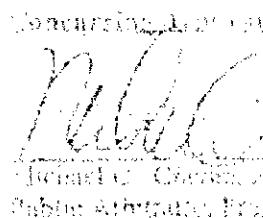
All balances are due to NASD Regulation, Inc.

Concurring Arbitrators' Signatures



Michael C. Craven, Esq.  
Public Arbitrator, Presiding Chair

7/18/02  
Signature Date



Michael C. Craven, Esq.  
Public Arbitrator, Presiding Chair

Theodore M. Utchen, Esq.  
Public Arbitrator

Signature Date

Theodore M. Utchen, Esq.  
Public Arbitrator

Joseph D. Mathewson, Esq.  
Industry Arbitrator

Signature Date

Date of Service (For NASD office use only)

Fee Summary

1. Claimant Kemper shall be and hereby is solely liable for:

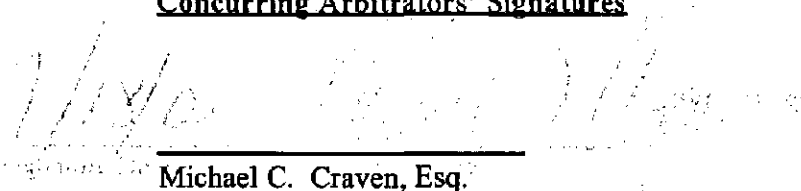
Initial Filing Fee	= \$ 500.00
<u>Member Fees</u>	= \$ 200.00
Total Fees	= \$ 700.00
<u>Less payments</u>	= 300.00
Balance Due NASD Regulation, Inc.	= \$ (600.00)

2. Respondent Lemons shall be and hereby is solely liable for:

<u>Forum Fees</u>	= 800.00
Total Fees	= \$1,800.00
<u>Less payments</u>	= \$ 000.00
Balance Due NASD Regulation, Inc.	= \$1,800.00

All balances are due to NASD Regulation, Inc.

Concurring Arbitrators' Signatures

  
\_\_\_\_\_  
Michael C. Craven, Esq.  
Public Arbitrator, Presiding Chair

\_\_\_\_\_  
Signature Date

  
\_\_\_\_\_  
Theodore M. Utchen, Esq.  
Public Arbitrator

July 18, 2000  
\_\_\_\_\_  
Signature Date

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Joseph D. Mathewson, Esq.  
Industry Arbitrator

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Signature Date

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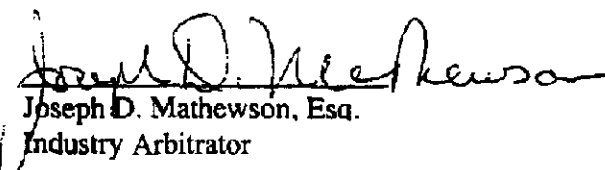
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Michael C. Craven, Esq.  
Public Arbitrator, Presiding Chair

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Signature Date

\_\_\_\_\_  
Theodore M. Utchen, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

  
Joseph D. Mathewson, Esq.  
Industry Arbitrator

4/13/00  
Signature Date

\_\_\_\_\_  
Date of Service (For NASD office use only)