

AWARD

NASD Regulation, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Samuel Gottlieb

and

98-00032

Name of Respondents

OLDE Discount Corporation,

Jeffrey Votruba, and

Steven Ledyard

REPRESENTATION OF PARTIES

Samuel Gottlieb ("Claimant") was represented by John R. Augustine, Jr., Esq., Phoenix, Arizona.

OLDE Discount Corporation ("OLDE"), Jeffrey Votruba ("Votruba"), and Steven Ledyard ("Ledyard") (jointly referred to as "Respondents") were represented by William B. Federman, Esq., of Day Edwards Federman Propester & Christensen, P.C., Oklahoma City, Oklahoma. Respondents were originally represented by Ina Otto, Esq. of OLDE Discount Corporation, Detroit, Michigan.

CASE INFORMATION

Claimant filed the Statement of Claim on or about December 22, 1997, and signed the Submission Agreement on December 1, 1997.

Respondents filed a joint Statement of Answer on or about May 28, 1998. OLDE signed a Submission Agreement on May 19, 1998. Ledyard signed a Submission Agreement on May 27, 1998. Votruba signed a Submission Agreement on June 3, 1998.

HEARING INFORMATION

Telephonic pre-hearing conferences with the entire panel were held on August 24, 1998, for one (1) session, and on September 1, 1998, for one (1) session.

CASE SUMMARY

Claimant alleged that Respondents made unsuitable recommendations, encouraged excessive trading, churned his account, breached their fiduciary duty, made misrepresentations, and failed to properly supervise employees.

Respondents denied all the allegations and asserted that Claimant was an informed and knowledgeable investor who controlled all investment decisions and approved all the suitable recommendations made by Respondents.

RELIEF REQUESTED

Claimant requested an award for actual damages of \$175,000, plus other relief, including attorney's fees and interest.

Respondents requested that the claim be dismissed in its entirety with prejudice and that all reference to this matter be expunged from the CRD records of Votruba and Ledyard.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies 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(s) remain on file with NASD Regulation, Inc. Office of Dispute Resolution.

A stipulation to Dismiss and Expunge Registered Representative's Record was filed with the NASD.

AWARD

After considering the parties' submissions, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

Claimant's withdrawal of his claims is accepted by the panel and Respondents are dismissed from this matter with prejudice.

All references to this arbitration proceeding shall be expunged from the CRD record of Jeffrey Votruba CRD No. 1992950 and Steven Ledyard CRD No. 2454877.

OTHER COSTS

Forum fees shall be assessed as follows: $\frac{3}{4}$ of the forum fees shall be assessed against the Claimant; and $\frac{1}{4}$ of the forum fees shall be assessed against OLDE.

FORUM FEES

Forum fees are calculated at the rate of \$750 per hearing session and \$750 for each prehearing conference with three (3) arbitrators. There were two (2) pre-hearing sessions with three (3) arbitrators @ \$750 per session. There are \$1,500 in total forum fees to be assessed. Pursuant to Rule 10332(b) of the NASD Code of Arbitration Procedure (the "Code"), a hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with an arbitrator, which lasts four (4) hours or less.

Pursuant to Rule 10332(c) of the Code, NASD Regulation, Inc. shall retain the non-refundable filing fee in the amount of \$200 previously by the Claimant. Claimant's initial hearing deposit requirement was waived by the Director of Arbitration.

Additional forum fees in the amount of \$1,125 are assessed by the arbitrators against the Claimant.

Additional forum fees in the amount of \$375 are assessed by the arbitrators against OLDE.

OTHER FEES

Pursuant to Rule 10333 of the Code, Respondent OLDE has paid to NASD Regulation, Inc. the \$1,500.00 member surcharge previously invoiced.

Pursuant to Rule 10333 of the Code, Respondent OLDE has paid to NASD Regulation, Inc. the \$600.00 member process fee (s) previously invoiced.


Pursuant to Rule 10333 of the Code, Respondent OLDE shall pay to NASD Regulation, Inc. member hearing process fees in the amount of \$2,500.

Fees are payable to NASD Regulation, Inc.

Dated:

Howard R. Gaines
Public Arbitrator, Presiding Chair

Beryl I. Dulskey
Public Arbitrator



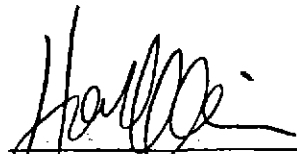
Daniel O. Birkle
Industry Arbitrator

3/9/99

Pursuant to Rule 10333 of the Code, Respondent OLDE shall pay to NASD Regulation, Inc. member hearing process fees in the amount of \$2,500.

Fees are payable to NASD Regulation, Inc.

Dated:



Howard R. Gaines
Public Arbitrator, Presiding Chair

3-8-99

Beryl I. Dulsky
Public Arbitrator

Daniel O. Birkle
Industry Arbitrator

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Pursuant to Rule 10333 of the Code, Respondent OLDE shall pay to NASD Regulation, Inc. member hearing process fees in the amount of \$2,500.

Fees are payable to NASD Regulation, Inc.

Dated:

Howard R. Gaines
Public Arbitrator, Presiding Chair



Beryl I. Dulsky
Public Arbitrator

3/11/99

Daniel O. Birkle
Industry Arbitrator