

N.A.S.D. REGULATION, INC. AWARD

CASE:98-00494

Earl F. Smith, claimant vs. Ameritrade, respondent.

ATTORNEYS:

Claimant appeared Pro Se. - Riverside, CA.

For respondent appeared James A. Ricketts - Omaha, NE.

DATE FILED: 2/9/98

CASE SUMMARY: Claimant alleged failure to execute.

Claim Data

Claim: \$3,075.00
Interest: Requested
Filing Fees: \$.00
Other: \$.00

Award Data

Award: \$375.00
Interest: 10% 9/23/97 - 9/23/98
Filing Fees: \$125.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$375.00. 2) All other relief requests are denied. 3) The \$125.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the claimant, shall be retained by NASD Regulation, Inc. 4) Respondent is liable and shall pay claimant \$125.00 as reimbursement of the filing fee.

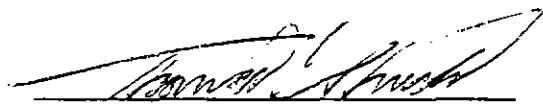
OTHER FEES: Pursuant to Rule 10333 of the Code, respondent has paid to NASD Regulation, Inc. the \$200.00 Member Surcharge previously invoiced.

OTHER ISSUES: I read Ameritrade's Handbook (Ex. 6, p. 16) to require that it actually confirm corrections or cancellations, not merely attempt to confirm, as occurred here.

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AFFIRMATION

I, Thomas E. Shuck, 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.


Thomas E. Shuck

October 21, 1998
Date of award