

**N.A.S.D. REGULATION AWARD**  
**NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.**

CASE: 99-00717

Ken Cutler, claimant vs. Ameritrade, Inc., respondent.

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**ATTORNEYS:**

Claimant, Ken Cutler ("Claimant"), appeared Pro Se., Miami, FL.

Respondent, Ameritrade, Inc. ("Respondent"), appeared through its Vice President, James A. Ricketts, Bellevue, NE.

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DATE FILED: 02/17/1999

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**CASE SUMMARY:** Claimant alleged that Ameritrade failed to execute a sell transaction of common stock. Specifically, claimant entered an order via the internet on January 19, 1999. The order was to sell 400 shares of Ticketmaster (TMCS) at a limit price of \$67.25. The order #611377780 was entered. At the opening of trading claimant watch as the stock traded at \$67.25 numerous times with good volume. Then the bid hit \$67.25 and claimant remembered seeing a few trades at \$67.75. Claimant maintained that claimant knew that because of the bid hitting 67 1/4 and the trades at 67 3/4 that claimant's trade must have been executed. When claimant checked the trade status claimant found that respondent had failed to execute the sell order.

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**Claim Data**

Claim: \$4,700.00

Interest: \$.00

Filing Fee: \$.00

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**Award Data**

Award: \$4,188.00

Interest: @ the rate of 8% per annum from 2/10/99 to date of the award

Filing Fee: \$125.00

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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) Respondent is liable and shall pay to the claimant \$4,188.00. 2) Respondent is liable and shall pay to claimant interest at the rate of 8% per annum from 2/10/99 to the date of the award. 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.

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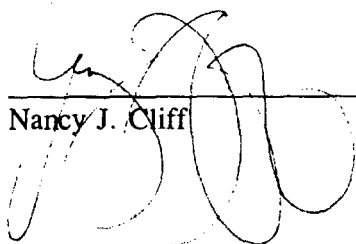
**OTHER FEES:** Pursuant to Rule 10333 of the Code, respondent, Ameritrade, Inc., has paid to NASD Regulation, Inc. the \$200.00 Member Surcharge previously invoiced.

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Award 99-00717

**AFFIRMATION**

I, Nancy J. Cliff, 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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Nancy J. Cliff

January 11, 2000  
Date of award