

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Ameritrade, Inc.

NASD Case No. 99-00930

Hearing Location: Pittsburgh, PA

Name of Respondent

Douglas R. Colkitt

REPRESENTATION OF PARTIES

Claimant Ameritrade, Inc. ("Claimant"): Patrick B. Griffin, Esq., Kutak Rock, Omaha, Nebraska.

Respondent Douglas R. Colkitt ("Respondent") did not appear.

CASE INFORMATION

Statement of Claim filed on: February 24, 1999.

Claimant signed the Uniform Submission Agreement on: February 16, 1999.

Respondent did not file a Statement of Answer.

Respondent did not sign a Uniform Submission Agreement.

CASE SUMMARY

Claimant seeks recovery of a margin account debit balance.

Respondent did not file a Statement of Answer.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages

Interest

Other Costs

\$ 58,958.00

In an amount to be determined by the Panel.

In an amount to be determined by the Panel.

Respondent did not request relief.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent 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 New Account Application, which contains a pre-dispute arbitration clause. Therefore, Respondent is bound by the determination of the Panel on all issues submitted.

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

The party present at the hearing agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

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

1. That Respondent is liable and shall pay Claimant \$63,000.00, inclusive of compound interest;
2. That the parties are to bear their own costs and expenses, including attorney's fees, with the exception of the fees as specified below; and
3. That any and all relief not specifically addressed herein 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 = \$ 1,000.00
Pre-hearing process fee = \$ 600.00
Hearing process fee = \$ 1,500.00

Adjournment Fees

Adjournments requested during these proceedings:

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Forum Fees and Assessments

The Panel assessed 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:

1	Pre-hearing session with Panel x \$600.00			= \$ 600.00
	Pre-hearing conference:	October 4, 1999	1 session	
1	Hearing sessions x \$600.00			= \$ 600.00
	Hearing Date:	February 8, 2000	1 session	
TOTAL FORUM FEES				= \$ 1,200.00

1. The Panel assessed \$1,200.00 of the forum fees to Respondent.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 500.00
Member Fees	= \$ 3,100.00
Total Fees	= \$ 3,600.00
<u>Less payments</u>	<u>= \$ 4,200.00</u>
 Balance Due NASD Regulation, Inc.	 = \$ 0.00
Refund Due to Claimant	= \$ 600.00

Respondent is solely liable for:

Forum Fees	= \$ 1,200.00
Total Fees	= \$ 1,200.00
<u>Less payments</u>	<u>= \$ 0.00</u>
 Balance Due NASD Regulation, Inc.	 = \$ 1,200.00

All balances are due and payable to NASD Regulation, Inc.

DATE AWARD SIGNED:

Concurring Arbitrators' Signatures

3/4/00

Farrell Rubenstein

Farrell Rubenstein - Chairperson
Public Arbitrator

Richard C. Grace - Panelist
Public Arbitrator

Gordon F. Linke - Panelist
Industry Arbitrator

Date Award served by NASD Regulation: March 7, 2000

DATE AWARD SIGNED:

Concurring Arbitrators' Signatures

Farrell Rubenstein - Chairperson
Public Arbitrator

March 6, 2000


Richard C. Grace - Panelist
Public Arbitrator

Gordon F. Linke - Panelist
Industry Arbitrator

Date Award served by NASD Regulation: March 7, 2000


DATE AWARD SIGNED:

Concurring Arbitrators' Signatures

Farrell Rubenstein - Chairperson
Public Arbitrator

Richard C. Grace - Panelist
Public Arbitrator

March 2, 2000



Gordon F. Linke - Panelist
Industry Arbitrator

Date Award served by NASD Regulation: March 7, 2000