

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

CASE: 99-00969

Everen Securities, Inc., claimant vs. Frank Mithun, respondent.

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**ATTORNEYS:**

For Claimant appeared Stephen S. Berkeley, Esq., of the firm Gomberg Kane & Fischer, Ltd., Chicago, IL.

Respondent did not respond to the Statement of Claim.

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DATE FILED: March 4, 1999

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**CASE SUMMARY:** Claimant alleged that respondent, upon termination of his employment, failed to repay the balance owed on a promissory note. Claimant maintained that due to respondent's actions, the firm suffered losses.

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**Claim Data**

Claim: \$18,602.82  
Interest: Accrued during the term  
of the Note at the contract rate of 6%  
Totaling \$462.06  
Interest: at 9% per annum (\$4.59 per day)  
from 6/12/98 through 4/5/00 totaling  
\$3,043.17  
Attorney Fees: \$682.50  
Filing Fees: Unspecified  
Costs: Miscellaneous

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**Award Data**

Award: \$18,602.82  
Interest: \$462.06  
6% of the contract rate  
  
Interest: \$3,043.17  
9% per annum from 6/12/98  
to 4/5/00  
Attorney Fees: \$682.50  
Filing Fees: \$575.00  
Costs: \$257.55

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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 \$18,602.82 as per terms of Note. 2) Respondent is liable and shall pay to the claimant attorney fees in the amount of \$682.50. 3) Respondent is liable and shall pay to the claimant interest accrued during the term of the Note at the contract rate of 6% totaling \$462.06. 4) Respondent is liable and shall pay to the claimant interest at a rate of 9% per annum from June 12, 1998 through April 5, 2000 totaling \$3,043.17. 5) Respondent is liable and shall pay to the Claimant \$257.55 for costs associated in pursuing this claim. 6) All other relief requests are denied. 7) The \$575.00 filing fee previously deposited with NASD Dispute Resolution by the claimant, shall be retained by NASD Dispute Resolution. 8) Respondent is liable and shall pay claimant \$575.00 as reimbursement of the filing fee.

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OTHER FEES: Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Dispute Resolution the \$400.00 Member Surcharge previously invoiced.

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OTHER ISSUES: Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that respondent Frank Mithun, was served notice of the Statement of Claim, Overdue Notice and Notification of Arbitrator by regular mail, and is therefore bound by the arbitrator's ruling and determination.

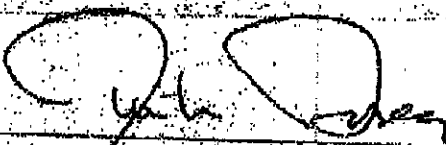
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Justin Dorsey

Sole Public Arbitrator

**AFFIRMATION**

I, Justin Dorsey, 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.



Justin Dorsey

11-6-02

Signature Date

November 7, 2002

Date of Service (For NASD-DR office use only)