

**Award**  
**NASD Regulation, Inc.**

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In the Matter of the Arbitration Between:

William J. Guthlein, (Claimant) vs. Quick & Reilly, (Respondent)

Case Number: 99-01326

Hearing Site: Boston, Massachusetts

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**REPRESENTATION OF PARTIES**

Claimant, William J. Guthlein, hereinafter referred to as "Claimant" appeared pro se.

Respondent, Quick & Reilly, hereinafter referred to as "Respondent": Douglas S. Flaherty, Quick and Reilly, Inc., New York, NY.

**CASE INFORMATION**

Statement of Claim filed on or about: March 16, 1999

Claimant signed the Uniform Submission Agreement: April 5, 1999

Statement of Answer filed by Respondent on or about: June 14, 1999

Respondent signed the Uniform Submission Agreement: June 14, 1999

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of duty to act in good faith; unfair business practice; and, deceptive business practice.

Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant has failed to show any evidentiary basis for any of the claims; Claimant's claims are completely unfounded, absolutely false, and without merit.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages	\$1,188.00
Punitive Damages	unspecified
Other Costs	unspecified

Respondent requested that the Statement of Claim be dismissed in its entirety and Respondent be awarded fees, costs and other relief as may be appropriate.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Claimant did not participate in the initial pre-hearing conference held on October 28, 1999. The arbitrator determined that NASD Regulation provided Claimant with due notice of the pre-hearing conference conducted in this matter by certified mail.

Respondent made a motion at the pre-hearing conference to dismiss the Statement of Claim and the arbitrator granted this motion.

### **AWARD**

After considering the pleadings and oral arguments presented at the telephonic pre-hearing conference, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are hereby denied in their entirety.
2. All other requests are hereby 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 = \$ 25.00

#### **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(s) at the time of the event giving rise to the dispute. In this matter, Quick and Reilly, Inc. is a party.

Member surcharge = \$150.00

#### **Forum Fees and Assessments**

The Arbitrator assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$50.00 = \$ 50.00  
Pre-hearing conference:      October 28, 1999                      1 session

Total Forum Fees = \$ 50.00

The Arbitrator has assessed the forum fees of \$50.00 against the Claimant.

**Fee Summary**

1. Claimant, William J. Guthlein, be and hereby is solely liable for:

Initial Filing Fee	= \$ 25.00
<u>Forum Fees</u>	<u>= \$ 50.00</u>
Total Fees	= \$ 75.00
<u>Less payments</u>	<u>= \$ 75.00</u>
Balance Due NASD Regulation, Inc.	= \$ 0.00


2. Respondent, Quick and Reilly, be and hereby is solely liable for:

<u>Member Fees</u>	<u>= \$150.00</u>
Total Fees	= \$150.00
<u>Less payments</u>	<u>= \$150.00</u>
Balance Due NASD Regulation, Inc.	= \$ 0.00

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

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**Concurring Arbitrator's Signature**

  
Michael P. Anciello  
Public Arbitrator, Presiding Chair

1/8/00  
Signature Date

1-14-2000

Date of Service (For NASD office use only)