

**N.A.S.D. REGULATION AWARD**

**NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.**

CASE: 99-02101

Charles Schwab & Co., Inc., claimant vs. James L. McLaughlin and JMJ Capital Corporation, respondents.

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**ATTORNEYS:**

For Claimant appeared Stephen S. Berkley, Esq., Diane C. Fischer, Esq., and Linda A. Gallagher, Esq., of the firm Gomberg Kane & Fischer, Ltd.

Respondents, James L. McLaughlin and JMJ Capital Corporation, did not enter appearances in this matter.

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DATE FILED: 10/05/98

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**CASE SUMMARY:** Claimant alleged that respondents breached their agreements with claimant by failing to pay for transactions entered in the accounts.

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**Claim Data**

Claim:

Count I: \$20,329.05

Count II: \$4,670.95

Interest: relating to Count 1 from  
February 26, 1998 through  
November 12, 1998 at 8.75% (\$5.78 per day)

Interest: relating to Count 1 from  
November 13, 1998 through January 26, 1999  
at 8.50% (\$5.61 per day)

Interest: relating to Count 1 from  
January 27, 1999 through September 2, 1999  
at 8.25% (\$5.45 per day)

Interest: \$.00

Interest: relating to Count 2 from  
April 1998 through January 27, 1999

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**Award Data**

Award:

Count I: \$20,329.05

Count II: \$4,670.95

Interest: \$1,502.80

Interest: \$420.75

Interest: \$1,204.45

Interest: relating to Count 1 from  
September 3, 1999, accruing at rate of \$5.45  
per day until award is paid

Interest: \$453.33

Page Two  
Award 99-02101

Interest: relating to Count 2 from  
January 28, 1999 through September 2, 1999  
at the rate of 8.75% (\$1.46 per day)

Interest: \$318.28

Interest: \$.00

Interest: relating to Count 2 from  
September 3, 1999, accruing at a rate of \$1.46  
per day until award is paid

Other: \$1,653.45

Other: \$.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) Respondents are jointly and severally liable on Count I and shall pay to claimant \$20,324.05. 2) Respondent, James L. McLaughlin, is liable on Count II and shall pay to claimant \$4,670.95. 3) All other relief requests are denied. 4) The \$1,050.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the claimant, shall be retained by NASD Regulation, Inc. 5) Respondents are jointly and severally liable and shall pay claimant \$1,050.00 as reimbursement of the filing fee.

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OTHER ISSUES: Pursuant to the By-Laws of NASD Regulation, the arbitrator determined that respondent was served notice of the Statement of Claim by regular mail, Overdue Notice and Notification of Arbitrator by certified mail, as evidenced by the signed signature card on file and is therefore bound by the arbitrator's ruling and determination.

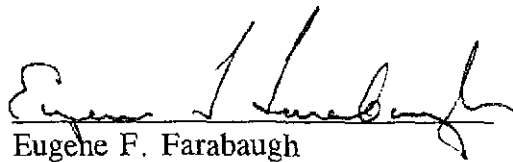
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OTHER FEES: Pursuant to Rule 10333 of the Code, claimant, Charles Schwab & Co., Inc., has paid to NASD Regulation, Inc. the \$400.00 Member Surcharge previously invoiced.

Page Three  
Award 99-02101

AFFIRMATION

I, Eugene F. Farabaugh, 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.

  
Eugene F. Farabaugh

October 18, 1999

Date of award