

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

CASE: 99-02147

Charles Schwab & Co., Inc., claimant vs. A.R. Fortune, Inc., respondent.

ATTORNEYS:

For Claimant Charles Schwab & Co., Inc. ("Schwab"), Edmund V. Saucedo, Esq., Case Manager, Office of Corporate Counsel, Charles Schwab & Co., Inc., San Francisco, California.

For Respondent A.R. Fortune ("Fortune"), Roland Breton, General Manager, A.R. Fortune, Inc., Fort Lauderdale, Florida.

DATE FILED: 05/10/1999

CASE SUMMARY: Schwab alleged that on or about November 11, 1997, Fortune deposited a 65,000 share certificate of CyberAmerica Corporation ("CYAA") into its Schwab Account. Schwab maintained that Fortune sold or transferred out 55,000 of these shares between November 1997 and May 1998. Schwab further alleged that a restriction had been placed on the transferability of these shares and now there exists an unsecured debit in Fortune's account.

Fortune in its Counterclaim requested that their account be returned to its original status.

Claim Data

Claim: \$25,000.00
Interest: from October 1, 1998,
at 7.75%, or \$5.02 per day.

Costs: \$1,450.00
Other: unspecified

Award Data

Award: \$25,000.00
Interest: pre-judgment interest accruing
at the rate of 7.75 from October 1,
1998 to date of payment of the award
Filing Fees: \$1,050.00
Other: \$.00

Counterclaim Data

Counterclaim for Specific Performance:
Replacement of A.R. Fortune, Inc., accounts
to their original status or equivalent value
Interest: unspecified
Other: unspecified

Award Data

Award: \$.00

Interest: \$.00
Other: \$.00

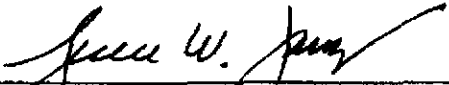
AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Fortune is liable and shall pay to Schwab \$25,000.00. 2) Fortune is liable and shall pay to Schwab interest accruing at the rate of 7.75% from October 1, 1998 to date of payment of the award. 3) All other relief requests are denied. 4) Fortune's Counterclaim is hereby dismissed in its entirety. 5) The \$1,050.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by Schwab, shall be retained by NASD Regulation, Inc. 6) The \$1,250.00 filing fee owed to the National Association of Securities Dealers Regulation, Inc. by Fortune, shall be retained by NASD Regulation, Inc.

reimbursement of the filing fee.

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

AFFIRMATION

I, Leslie W. Langbein, 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.



Leslie W. Langbein, Esq.

February 17, 2000

Date of award