

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

OLDE Discount Corporation, (Claimant) vs. David A. Suh, (Respondent)

Case Number: 99-02221

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, OLDE Discount Corporation, hereinafter referred to as "Claimant": Robert M. Visconti, H & R Block Financial Advisors, Inc., Detroit, MI. Previously represented by: Staff Attorney, Aaron L. Kleid, OLDE Discount Corporation, Detroit, MI.

Respondent, David A. Suh, hereinafter referred to as "Respondent", did not make an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: May 6, 1999.

Claimant signed the Uniform Submission Agreement: May 6, 1999.

Respondent did not file a Statement of Answer or sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of Investors Account Agreement; failure to maintain minimum margin requirements; and failure to repay debit made to the account. Claimant's claim involved the stocks of QVC Network, Inc., Hutchinson Tech, Inc., and BMC Software, Inc.

RELIEF REQUESTED

Claimant requested:

- a. Sixteen Thousand Six Hundred Sixty Eight Dollars and Twenty Four Cents (\$16,668.24) as actual damages in debit created by Respondent's actions.
- b. Accrued interest on the above amount accruing on the date the debit was created, in the amount of Eleven Thousand Two Hundred Sixty Eight Dollars and Thirty Four Cents (\$11,268.34).

- c. One Thousand Four Hundred Twelve Dollars and Fifty Cents (\$1,412.50) as costs associated with commencement and prosecution of this Arbitration proceeding.
- d. An award of attorney fees as may be deemed fair and just by this Panel.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrator (the "Arbitrator") 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").

Respondent did not file with NASD Dispute Resolution, Inc. Office of Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

The parties have 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 Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent be and hereby is liable and shall pay to Claimant the sum of \$27,936.58 as compensatory damages and interest.
2. Respondent be and hereby is liable and shall pay to Claimant the sum of \$2,112.50, to reimburse Claimant for costs.
3. Respondent be and hereby is liable and shall pay to Claimant the sum of \$750.00, to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution.
4. All requests for attorney fees are hereby denied in their entirety.
5. All other requests for relief are hereby denied in their entirety.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$750.00

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, OLDE Discount Corporation is a party.

Member surcharge = \$400.00

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 \$450.00 = \$ 450.00
Pre-hearing conference: December 19, 2000 1 session

One (1) Hearing sessions x \$450.00 = \$ 450.00
Hearing Date: January 18, 2001 1 session

Total Forum Fees = \$ 900.00

The Arbitrator has assessed all of the forum fees against Respondent.

Fee Summary

1. Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$ 750.00
<u>Member Fees</u>	= \$ 400.00
Total Fees	= \$1,150.00
<u>Less payments</u>	= \$1,850.00
Refund Due Claimant	= \$ 700.00

As stated in the "Award" section above, Respondent is liable and shall reimburse Claimant for the \$750.00 filing fee.

2. Respondent be and hereby is solely liable for:

NASD Dispute Resolution, Inc.

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Forum Fees	= \$ 900.00
Total Fees	= \$ 900.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 900.00

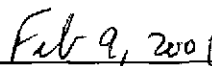
All balances are due and payable to NASD Dispute Resolution, Inc.

Arbitrator's Signature

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



Henry C. Schnitzer
Public Arbitrator, Presiding Chair



Signature Date

February 14, 2001

Date of Service (For NASD office use only)