

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Everen Securities

Case No. 99-02369

Name of Respondent

Russ L. Johnson

REPRESENTATION OF PARTIES

Claimant Everen Securities, Inc. ("Everen") was represented by Stephen S. Berkeley, Esq., of Kane & Fischer, Ltd., located in Chicago, Illinois.

Respondent Russ L. Johnson ("Johnson") did not appear.

CASE INFORMATION

Statement of Claim filed on or about: May 24, 1999.

Claimant signed the Uniform Submission Agreement: April 30, 1999.

Respondent did not file a Statement of Answer or an executed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted that Johnson failed to pay the balance due on a loan, evidenced by a written Promissory Note, which was paid to him as part of his employment. Everen has demanded payment, but Johnson refused to pay.

Respondent Johnson did not file a Statement of Answer.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$ 44,963.00
Accrued Interest	\$ 1,189.79
Interest	6% until paid
Attorneys' Fees	Unspecified Amount

Other Costs

Unspecified Amount

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators determined that Respondent Russ L. Johnson 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-DR Code of Arbitration Procedure (the "Code").

Respondent Johnson did not file with NASD Dispute Resolution, Inc. 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 panel on all issues submitted.

On November 15, 2000, the panel granted Everen's Motion to Bar Johnson from presenting any facts or defenses at hearing.

By letter dated November 17, 2000, Everen requested that the matter be decided without hearing, or, in the alternative, that the hearing be held telephonically. On January 4, 2001, the panel granted Everen's motion to have the hearing conducted telephonically.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Russ L. Johnson is liable for and shall pay to the Claimant, Everen Securities Inc., the sum of \$44,963.00 as compensatory damages;
2. In addition, Respondent Russ L. Johnson is liable for and shall pay to the Claimant, Everen Securities Inc., the sum of \$5,157.61 as attorneys' fees. In deciding to award attorneys' fees, the panel considered the arguments of counsel, as well as the promissory note executed by Russ L. Johnson on August 21, 1998, and determined that authority existed for an award of attorneys' fees to the Claimant;
3. Furthermore, Respondent Russ L. Johnson is liable for and shall pay to the Claimant, Everen Securities Inc., the sum of \$2,400.00 as costs;
4. Any additional cost, including any additional attorneys' fees, shall be borne by the party incurring the cost; and,
5. Any relief not specifically awarded is denied.

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 = \$ 1,000.00

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 event giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge = \$ 800.00
Pre-hearing process fee = \$ 600.00
Hearing process fee = \$ 1,000.00

Adjournment Fees

Adjournments requested during these proceedings: None

Forum Fees and Assessments

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

One (1) Pre-hearing session with Panel x \$ 600.00 = \$ 600.00
Pre-hearing conference: September 11, 2000 1 session

One (1) Hearing session x \$ 600.00 = \$ 600.00
Hearing Date(s): February 6, 2001 1 session

Total Forum Fees = \$ 1,200.00

The Panel has assessed \$ 1,200.00 of the forum fees to Party Respondent Russ L. Johnson.

Fee Summary

Claimant Everen Securities Inc. is solely liable for:

Initial Filing Fee = \$ 1,000.00
Member Fees = \$ 2,400.00
Total Fees = \$ 3,400.00
Less payments = \$ (3,000.00)
Balance Due NASD Dispute Resolution, Inc. = \$ 400.00

Respondent Russ L. Johnson is solely liable for:

Forum Fees = \$ 1,200.00
Total Fees = \$ 1,200.00

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Less payments	= \$	0
Balance Due NASD Dispute Resolution, Inc.	= \$	1,200.00

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

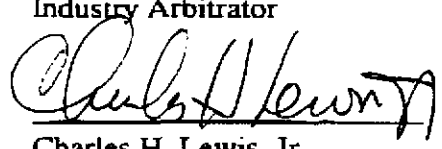
Concurring Arbitrators' Signatures


Mel James
Industry Arbitrator, Presiding Chair

4/9/01
Signature Date

Thomas J. Cotrone, FA
Industry Arbitrator

Signature Date


Charles H. Lewis, Jr.
Industry Arbitrator

4/16/01
Signature Date

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

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Less payments = \$ 0
Balance Due NASD Dispute Resolution, Inc. = \$ 1,200.00

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

Concurring Arbitrators' Signatures

Mel James
Industry Arbitrator, Presiding Chair

Thomas J. Cotrone, FA
Industry Arbitrator

Signature Date

4/27/01
Signature Date

Charles H. Lewis, Jr.
Industry Arbitrator

Signature Date

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