

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Charles Schwab & Co., Inc., Claimant v. Lewis E. Waldeisen and Helen I. Waldeisen,
Respondents

Case Number: 99-02981

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Mauricio S. Beugelmans, Esq.
Charles Schwab & Co., Inc.
San Francisco, California

For Respondents:

William S. Bonnheim, Esq.
Anderholt, Bonnheim &
Casden, L.L.P.
Indian Wells, California

CASE INFORMATION

Statement of Claim filed: June 28, 1999

Claimant's Uniform Submission Agreement signed: June 28, 1999

Joint Statement of Answer filed by Respondents: February 7, 2000

Respondents' Uniform Submission Agreement signed: February 8, 2000

CASE SUMMARY

Claimant alleged that Respondents failed to repay a debit balance which came about as a result of a margin call which Respondents were unable to adequately cover. The dispute involves the purchase and/or sale of Impac Commercial Holdings, Inc. (ICH) and Impac Mortgage Holdings, Inc. (IMH) stock.

Respondents denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$34,559.56 in compensatory damages, interest at the rate of 7.75% per annum accrued from November 1, 1998 to the present, and reimbursement of filing costs of \$2,400.00.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety, and sought an award of costs.

OTHER ISSUES CONSIDERED AND DECIDED

The parties 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, testimony, evidence presented at the hearing, and post-hearing submissions, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondents are jointly and severally liable to and shall pay Claimant the sum of \$34,559.56 in compensatory damages.
- 2) Respondents are jointly and severally liable to and shall pay Claimant interest at the rate of 7.75% per annum on the sum of \$34,559.56 from November 1, 1999 until the award is paid in full.
- 3) Respondents are jointly and severally liable to and shall pay Claimant the sum of \$1,000.00 in reimbursement of the filing fee.
- 4) Each party shall bear its own costs, including attorney's fees.
- 5) All other relief not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 1,000.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the event of the dispute. Accordingly, the member firm Charles Schwab & Co., Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 800.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$1,000.00</u>
Total Member Fees	= \$2,400.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair/Panel. The following fees are assessed:

(1) Pre-hearing conference session with the Panel @ \$600.00/session	= \$ 600.00
Pre-hearing conference: February 11, 2000 1 session	
(2) Hearing sessions @ \$600.00/session	= \$1,200.00
Hearings: August 16, 2000 2 sessions	
Total Forum Fees	= \$ 1,800.00

1. The Panel assessed \$900.00 of the forum fees to Claimant Charles Schwab & Co., Inc.
2. The Panel assessed \$900.00 of the forum fees jointly and severally to Respondents Lewis E. Waldeisen and Helen I. Waldeisen.

Fee Summary

1. Claimant Charles Schwab & Co., Inc. is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 2,400.00
<u>Forum Fees</u>	= \$ 900.00
Total Fees	= \$ 4,300.00
<u>Less payments</u>	= \$(4,000.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 300.00

2. Respondents, Lewis E. Waldeisen and Helen I. Waldeisen, are charged jointly and severally with the following fees and costs:

<u>Forum Fees</u>	= \$ 900.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 900.00

All balances are payable to NASD Dispute Resolution, Inc. and are due within 30 days of the Award's date of service.

NASD Dispute Resolution, Inc.
Arbitration No. 99-02981
Award Page 5 of 5

Concurring Arbitrators' Signatures



John F. Lagle, III, Esq.
Chair, Public Arbitrator

August 28, 2000

Signature Date

Martin Perlberger
Public Arbitrator

Signature Date

Richard M. Leigh
Non-Public Arbitrator

Signature Date

August 29, 2000
Date of Service

NASD Dispute Resolution, Inc.

Arbitration No. 99-02981

Award Page 5 of 5

Concurring Arbitrators' Signatures

John F. Lagle, III, Esq.
Chair, Public Arbitrator

Signature Date



Martin Perlberger
Public Arbitrator

28 August 2000

Signature Date

Richard M. Leigh
Non-Public Arbitrator

Signature Date

August 29, 2000

Date of Service

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PAGE 6/6

NASD Dispute Resolution, Inc.
Arbitration No. 99-02981
Award Page 5 of 5

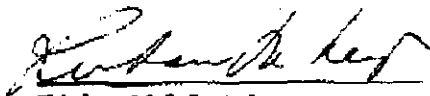
Concurring Arbitrators' Signatures

John F. Lagle, III, Esq.
Chair, Public Arbitrator

Signature Date

Martin Perilberger
Public Arbitrator

Signature Date



Richard M. Leigh
Non-Public Arbitrator

8/28/00

Signature Date

August 29, 2000

Date of Service