

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 99-04555

Ameritrade Inc., claimant vs. Brad Daniel Clarke, respondent.

ATTORNEYS:

For claimant Ameritrade Inc., appeared Eric E. Hamilton Esq., in-house counsel,
Bellevue, NE.

For respondent Brad Daniel Clarke, appeared Daniel R. Kirshbaum of the firm Axelrod, Smith
& Kirshbaum, Houston, TX.

DATE FILED: October 7, 1999

CASE SUMMARY: Claimant alleged that respondent ordered the sale of his YBR stock, and withdrew funds from his account. Claimant further alleged that as a result, the margin balance in respondent's account exceeded the value of his securities which caused an unsecured debit balance to remain in his account.

Claim Data

Claim: \$18,029.22
Atty Fees: unspecified
Filing Fees: unspecified
Interest: unspecified
date Other: unspecified

Award Data

Award: \$18,029.22
Atty Fees: \$.00
Filing Fees: \$1050.00
Interest: at the rate of 6% per annum
from 10/01/99 to payment
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is hereby liable and shall pay to the claimant \$18,029.22. 2) Respondent is hereby liable and shall pay to the claimant interest at the rate of 6% per annum accruing from October 1, 1999 to the date of payment of the award. 3) All requests for attorney fees are denied. 4) All other relief requests are denied. 5) The \$1,050.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 6) Respondent is hereby liable and shall pay claimant \$1,050.00 as reimbursement of the filing fee.


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

OTHER ISSUES: The arbitrator denied respondent's Motion to Dismiss and request for a hearing.

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Award 99-04555

AFFIRMATION

I, Alan R. Crain, Jr., Esq., 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.


Alan R. Crain, Jr. Esq.

August 29, 2000
Date of award