

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

CASE: 99-04905

Thomas DiCecco, claimant vs. Ameritrade, respondent.

ATTORNEYS:

Claimant Thomas DiCecco ("Claimant"), appeared Pro Se., Glenn Mills, Pennsylvania.

For Respondent Ameritrade, Inc. ("Respondent"), James H. Vihstadt, regulatory attorney for Ameritrade, Inc., Bellevue, Nebraska.

DATE FILED: 11/01/1999

CASE SUMMARY: Claimant maintained that on June 16, 1999 he purchased 500 shares of Oracle common stock and subsequently he sold five covered calls against the stock. Claimant further maintained that the five contracts represented 750 shares of Oracle as opposed to 500. Claimant alleged that Respondent should have rejected his order since his account did not own the requisite shares of Oracle and therefore created a short position in his account.

Claim Data

Claim: \$1,242.38
Interest: unspecified
Punitive: 3,757.62
Filing Fees: unspecified
Costs: unspecified

Award Data

Award: \$320.00
Interest: \$.00
Punitive: \$.00
Filing Fees: \$87.50
Costs: \$.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 \$320.00. 2) All requests for interest are hereby denied. 3) All requests for punitive damages are hereby denied. 4) All other relief requests are hereby denied. 5) The \$175.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the Claimant, shall be retained by NASD Regulation, Inc. 6) Respondent is hereby liable and shall pay Claimant \$87.50 as partial reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Regulation, Inc. the \$200.00 Member Surcharge previously invoiced.

OTHER ISSUES: The arbitrator denied Claimant's Motion to declare the Statement of Answer untimely and inadmissible.

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Award 99-04905

AFFIRMATION

I, Michael E. Silverman, 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.

M. E. Silverman
Michael E. Silverman, Esq.

April 19, 2000
Date of award