

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between: Ameritrade, Inc., Claimant v. James M. Steel, Mabel J. Steel, Mabel J. Steel Family Trust, Heather Steel and James M. Steel Investments, L.C., Respondents

Case Number: 99-04944

Hearing Site: Salt Lake City, Utah

REPRESENTATION OF PARTIES

For Claimants:

Patrick B. Griffin
Kutak Rock LLP
Omaha, Nebraska

For Respondents:

John S. Lutz
LeBoeuf, Lamb, Greene &
MacRae, LLP
Denver, Colorado

CASE INFORMATION

Statement of Claim filed: October 15, 1999

Joint Statement of Answer and Counter-Claim filed by Respondents: January 31, 2000

Claimant's Reply to Counter Statement of Claim filed: February 28, 2000

Respondent Mabel J. Steel Family Trust's Uniform Submission Agreement signed: January 31, 2000

Respondent James M. Steel Investments, L.C.'s Uniform Submission Agreement signed: January 31, 2000

CASE SUMMARY

Claimant alleged breach of contract and liability for debit balances in two Ameritrade accounts. Claimant also denied the allegations of wrongdoing set forth in the Respondents' Counterclaim.

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

and asserted a Counterclaim. In their Counterclaim, Respondents alleged negligence, failure to supervise and breach of fiduciary duty.

RELIEF REQUESTED

Claimant requested damages from Respondent Mabel J. Steel Family Trust in the amount of \$107,221.41 and from Respondent James M. Steel Investments in the amount of \$29,790.82.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety. In their Counterclaim, Respondents requested damages in an unspecified amount.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents James M. Steel, Mabel J. Steel and Heather Steel did not file with the NASD Dispute Resolution, Inc. properly executed submission agreements but having answered the claim are bound by the determination of the Panel on all issues submitted.

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

- 1) Claimant Ameritrade shall recover \$114,284.00 against the Mabel Steel Family Trust.
- 2) Claimant Ameritrade shall recover \$32,179.00 against James M. Steel Investments, LLC.
- 3) The individual respondents Heather Steel, Mabel J. Steel and James M. Steel are not personally liable for any damage claims in this proceeding.
- 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
Respondents' Counterclaim filing fee	= \$ 250.00

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 events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Ameritrade is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

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:

(2) Pre-hearing conference sessions with the Panel @ \$1,125/session	= \$ 2,250.00
Pre-hearing conferences:	
January 17, 2001	1 session
May 18, 2001	1 session
(6) Hearing sessions @ \$1,125/session	= \$ 6,750.00
Hearings:	
May 22, 2001	2 sessions
May 23, 2001	2 sessions
May 24, 2001	2 sessions
Total Forum Fees	= \$ 9,000.00

The Panel assessed \$ 9,000.00 of the forum fees jointly and severally to Respondents Mabel J. Steel Family Trust and James M. Steel Investments, L.C.

Fee Summary

1. Claimant, Ameritrade, is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
<u>Member Fees</u>	= \$ 4,600.00
Total Fees	= \$ 5,600.00

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Less Payments = \$ (5,600.00)

Balance Due NASD Dispute Resolution, Inc. = \$ 0.00

2. Respondent, James M. Steel, Mabel J. Steel, Mabel J. Steel Family Trust, Heather Steel and James M. Steel Investments, L.C., are charged jointly and severally with the following fees and costs:

Counterclaim Filing Fee = \$ 250.00

Less Payments = \$ (0.00)

Balance Due NASD Dispute Resolution, Inc. = \$ 250.00

3. Respondents, Mabel J. Steel Family Trust and James M. Steel Investments, are charged jointly and severally with the following fees and costs:

Forum Fees = \$ 9,000.00

Less Payments = \$ (0.00)

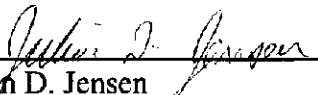
Balance Due NASD Dispute Resolution, Inc. = \$ 9,000.00

All balances are payable to NASD Dispute Resolution, Inc. and are payable upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Julian D. Jensen	-	Public Arbitrator, Presiding Chair
George A. Abbott	-	Public Arbitrator
Stephen B. Ivey	-	Non-Public Arbitrator

Concurring Arbitrators' Signature(s)


Julian D. Jensen
Chair, Public Arbitrator

7/10/2001
Signature Date

George A. Abbott
Public Arbitrator

Signature Date

Stephen B. Ivey
Industry/Non-Public Arbitrator

Signature Date

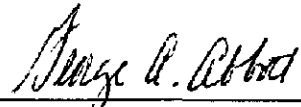
Date Served:
JUL 12 2001

Date of Service

Concurring Arbitrators' Signature(s)

Julian D. Jensen
Chair, Public Arbitrator

Signature Date



George A. Abbott
Public Arbitrator

July 10th, 2001

Signature Date

Stephen B. Ivey
Industry/Non-Public Arbitrator

Signature Date

Date Served:
JUL 12 2001

Date of Service

Concurring Arbitrators' Signature(s)

Julian D. Jensen
Chair, Public Arbitrator

Signature Date

George A. Abbott
Public Arbitrator

Signature Date



Stephen B. Ivey
Industry/Non-Public Arbitrator

7-10-01

Signature Date

Date Served:

JUL 12 2001

Date of Service