

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Names of Claimants

Marvin E. and Carol J. Simpson

Case No. 00-04103

Name of Respondent

Investment Management & Research, Inc.

Hearing Site: Tampa, Florida

REPRESENTATION OF PARTIES

For Marvin E. and Carol J. Simpson hereinafter collectively referred to as "Claimants": Joel A. Goodman, Esq. of Goodman & Nekvasil, P.A., Clearwater, FL.

For Investment Management & Research, Inc. ("IMR") hereinafter referred to as "Respondent": Bruce W. Barnes, Esq., Clearwater, FL.

CASE INFORMATION

Statement of Claim filed on or about: September 19, 2000.

Claimants signed the Uniform Submission Agreement: September 18, 2000.

Respondent's Answer and Affirmative Defenses to Statement of Claim filed on or about: November 27, 2001.

Respondent signed the Uniform Submission Agreement: November 21, 2000.

CASE SUMMARY

Claimants asserted the following causes of action: breach of contract; common law fraud; constructive fraud through breach of fiduciary duty; negligence and gross negligence; and, unjust enrichment. The causes of action relate to the purchase of unspecified commercial promissory notes.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: failure to set forth a viable theory upon which Respondent could be held liable; Claimants' claims are barred by the statute of frauds; any losses sustained by Claimants were not caused by Respondent; and, the claims are barred by the applicable statutes of limitations.

RELIEF REQUESTED

Claimants requested compensatory damages of approximately \$473,000.00, pre-judgment interest, attorneys' fees, costs, punitive damages, and such other relief as is deemed proper and

necessary.

Respondents requested dismissal of the Statement of Claim.

OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent is liable and shall pay to Claimants compensatory damages in the sum of \$250,000.00, pre-judgment interest specifically excluded.

The parties' stipulation that they would bear their respective attorneys' fees and costs is so ordered.

Non-party, The Advisors Group, Inc., shall bear the costs it incurred in producing documents to Claimant pursuant to Chairperson Smukler's order dated November 8, 2001.

Any and all relief requests not specifically addressed herein, including punitive damages, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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	= \$300.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$600.00
Hearing process fee	= \$2,500.00

Adjournment Fees

Adjournments requested during these proceedings:

No requests for adjournment were filed in this matter.

Forum Fees and Assessments

The Panel has the authority to assess 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:

Two (2) Pre-hearing sessions with a single arbitrator x \$450.00	= \$900.00
Pre-hearing conferences: November 8, 2001 1 session	
November 9, 2001 1 session	
One (1) Pre-hearing session with Panel x \$1,125.00	= \$1,125.00
Pre-hearing conference: April 17, 2001 1 session	
Eight (8) Hearing sessions x \$1,125.00	= \$9,000.00
Hearing Dates: November 28, 2001 2 sessions	
November 29, 2001 2 sessions	
November 30, 2001 2 sessions	
December 1, 2001 2 sessions	

Total Forum Fees	= \$11,025.00
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The Panel has assessed \$5,512.50 of the forum fees jointly and severally to Claimants.
The Panel has assessed \$5,512.50 of the forum fees to Respondent.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred in this matter.

FEE SUMMARY

Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$300.00
Forum Fees	= \$5,512.50
Total Fees	= \$5,812.50

Less payments = \$1,425.00

Balance Due NASD Dispute Resolution, Inc. = \$4,387.50

Respondent be and hereby is solely liable for:

Member Fees = \$4,600.00

Forum Fees = \$5,512.50

Total Fees = \$10,112.50

Less payments = \$3,100.00

Balance Due NASD Dispute Resolution, Inc. = \$7,012.50

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

ARBITRATION PANEL

Ilisa J. Smukler, Esq. - Public Arbitrator, Presiding Chair

Noel K. Evans, Esq. - Public Arbitrator

Augusto V. Perrotta - Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

Ilisa J. Smukler, Esq.
Public Arbitrator, Presiding Chair

Signature Date

/s/

Noel K. Evans, Esq.
Public Arbitrator

Signature Date

/s/

Augusto V. Perrotta
Non-Public Arbitrator

Signature Date

January 10, 2002

Date of Service (For NASD-Dispute Resolution office use only)

NASD Dispute Resolution, Inc.
Arbitration No. 00-04103
Award Page 4

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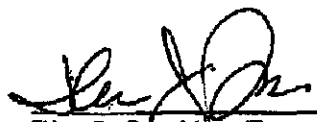
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Noel K. Evans, Esq.	-	Public Arbitrator
Augusto V. Perrotta	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Ilisa J. Smukler, Esq.
Public Arbitrator, Presiding Chair

1/2/02
Signature Date

Noel K. Evans, Esq.
Public Arbitrator

Signature Date

Augusto V. Perrotta
Non-Public Arbitrator

Signature Date

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NASD Dispute Resolution, Inc.
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Public Arbitrator, Presiding Chair

Noel K. Evans, Esq.

-

Public Arbitrator

Augusto V. Perrotta

-

Non-Public Arbitrator

Concurring Arbitrators' Signatures

Ilisa J. Smukler, Esq.

Public Arbitrator, Presiding Chair

Signature Date

Noel K. Evans, Esq.

Public Arbitrator

Signature Date

Augusto V. Perrotta

Non-Public Arbitrator

Signature Date

Date of Service (For NASD-Dispute Resolution office use only)

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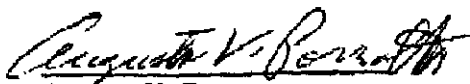
Concurring Arbitrators' Signatures

Ilisa J. Smukler, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Noel K. Evans, Esq.
Public Arbitrator

Signature Date


Augusto V. Perrotta
Non-Public Arbitrator

12-31-01
Signature Date

Date of Service (For NASD-Dispute Resolution office use only)