

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

David Stannard, Claimant v. Peter Van Flein and Edward D. Jones & Co., Respondents

Case Number: 00-04280

Hearing Site: Anchorage, Alaska

REPRESENTATION OF PARTIES

For Claimant:

David Stannard, pro se
Fairbanks, Alaska

For Respondents:

Eric D. Lansverk, Esq.
Hillis Clark Martin & Peterson
Seattle, Washington

CASE INFORMATION

Statement of Claim filed: September 25, 2000

Claimant's Uniform Submission Agreement signed: September 25, 2000

Respondents' Statement of Answer filed: December 13, 2000

Respondent Van Flein's Uniform Submission Agreement signed: November 4, 2000

Respondent Edward D. Jones & Co.'s Uniform Submission Agreement signed: October 30, 2000

CASE SUMMARY

Claimant alleged the unauthorized sale of Fuel Cell Energy, Inc. stock from his portfolio, breach of contract and fiduciary duty, misrepresentation, and failure to disclose.

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

RELIEF REQUESTED

Claimant requested:

1. The return of 500 shares of Fuel Cell Energy, Inc. stock with all accrued value from January 24, 2000, forward;

2. Adjustment of records to eliminate any tax liability incurred as a result of the transaction;
3. Admission of error by Respondent Edward D. Jones & Co. and its relevant employees;
4. Costs and fees arising from the arbitration.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety, and assessment against Claimant of all costs and fees arising from the arbitration.

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

- 1) Panel awards Claimant \$0.00 in damages.
- 2) Each party shall bear its own costs, including attorney's fees.
- 3) All other relief not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. waived the non-refundable filing fees for Claimant's claim.

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 that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Edward D. Jones & Co. is a party and the following fees are assessed:

Member Surcharge	= \$1,200.00
Pre-Hearing Process Fee	= \$600.00
Hearing Process Fee	= \$2,000.00
Total Member Fees	= \$3,800.00

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 Panel. The following fees are assessed:

1 Pre-hearing conference session with the Panel @ \$1000/session	= \$1,000.00
Pre-hearing conference: May 4, 2001 1 session	
2 Hearing sessions @ \$1000/session	= \$2,000.00
Hearing: August 1, 2001 2 sessions	
Total Forum Fees	= \$3,000.00

1. The Panel assessed \$1,500.00 of the forum fees to Claimant.
2. The Panel assessed \$1,500.00 of the forum fees jointly and severally to Respondents.

Other Costs

During the Initial Pre-hearing Conference on May 4, 2001, the parties agreed that the hearing would be held in Fairbanks, Alaska, at the law offices of Cook, Schuhmann and Groseclose, Inc. The parties agreed to equally split the costs of transportation and lodging incurred by the arbitrators traveling to Fairbanks.

Claimant:	= \$371.93
Respondents, jointly and severally:	= \$371.93

Fee Summary

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

Forum Fees	= \$1,500.00
Other Costs	= \$371.93
Total Fees	= \$1,871.93
Less Payments	= \$0.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,871.93
2. Respondent Edward D. Jones & Co. is charged with the following fees and costs:

Member Fees	= \$3,800.00
Total Fees	= \$3,800.00
Less Payments	= \$(3,800.00)
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

3. Respondents Peter Van Flein and Edward D. Jones & Co. are jointly and severally charged with the following fees and costs:

Forum Fees	= \$1,500.00
Other Costs	= \$371.93
<u>Total Fees</u>	<u>= \$1,871.93</u>
<u>Less Payments</u>	<u>= \$186.25</u>
Balance Due NASD Dispute Resolution, Inc.	= \$1,685.68

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

Barbara L. Schumann, Esq.	-	Public Arbitrator, Presiding Chair
T.W. Patch, Esq.	-	Public Arbitrator
Alexander H. Slivka	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Barbara L. Schumann, Esq.
Public Arbitrator, Presiding Chair

Aug. 28, 2001
Signature Date

T.W. Patch, Esq.
Public Arbitrator

Signature Date

Alexander H. Slivka
Non-Public Arbitrator

Signature Date

Date Served:

SEP 12 2001

Date of Service

ARBITRATION PANEL

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T.W. Patch, Esq.	-	Public Arbitrator
Alexander H. Slivka	-	Non-Public Arbitrator

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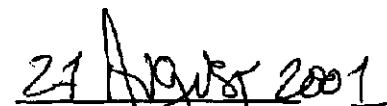
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Signature Date



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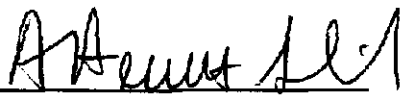
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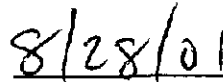
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Public Arbitrator

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