

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Kevin Feldman

Case No. 00-04775

Hearing Site: Boca Raton, Florida

Names of Respondents

A.G. Edwards & Sons, Inc.
Barron Chase Securities, Inc.
Keith Richard Procovic

REPRESENTATION OF PARTIES

For Kevin Feldman ("Feldman") hereinafter referred to as "Claimant": Nanci S. Landy, Esq., Altschul, Landy & Collier, P.A., Weston, Florida until a change of firm name on June 11, 2001. Thereafter Claimant was represented by Nanci S. Landy, Esq., Landy & Associates, Weston, Florida.

For A.G. Edwards & Sons, Inc. ("Edwards"): William S. Port, Vice President and Litigation Counsel, A.G. Edwards & Sons, Inc., St. Louis, Missouri until a substitution of counsel on June 13, 2001. Thereafter Respondent Edwards was represented by Matthew R. Salamon, Litigation Counsel, A.G. Edwards & Sons, Inc., St. Louis, Missouri.

Respondent Barron Chase Securities, Inc. ("Barron") did not appear.

Respondent Keith Richard Procovic ("Procovic") did not appear.

CASE INFORMATION

Statement of Claim filed on or about: October 27, 2000.

Claimant signed the Uniform Submission Agreement: August 22, 2000.

Statement of Answer filed by Respondent Edwards on or about: January 24, 2001.

Respondent Edwards signed the Uniform Submission Agreement: January 23, 2001.

Respondents Barron and Procovic did not file Statements of Answer or executed Uniform Submission Agreements.

CASE SUMMARY

Claimant asserted the following: 1) Respondents Edwards, Procovic and Barron committed a fraud and deceit upon Claimant in violation of Florida Statutes Chapter 517; 2) Respondents Edwards, Procovic and Barron made false representations with the intent that Claimant rely thereon; 3) Respondents Edwards, Procovic and Barron breached their duty to Claimant by

failing to act with reasonable care in connection with their handling of Claimant's account; 4) Respondents Edwards, Procovic and Barron acted in a willful, wanton and reckless nature in their handling of Claimant's account; 5) Respondents Edwards, Procovic and Barron breached their fiduciary duty to Claimant; and 7) Respondents Edwards and Barron failed to properly supervise the acts of Respondent Procovic. The causes of action relate to the trading of unspecified securities in Claimant's account.

Unless specifically admitted in its Answer, Respondent Edwards denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimant requested compensatory damages of \$1,040,000.00, plus interest, punitive damages, attorney's fees, the costs of this proceeding and such other relief as is deemed just and proper.

Respondent Edwards requested that all claims against it be dismissed, that Respondent Edwards be awarded its costs and fees associated with this matter, including reasonable attorney's fees, and such other and further relief as is deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Barron and Procovic did not appear in this matter. Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators (the "Panel") determined that Respondents Barron and Procovic have been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondents present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondents Barron and Procovic did not file with NASD Dispute Resolution, Inc. properly executed submissions to arbitration but are required to submit to arbitration pursuant to the Code and are bound by the determination of the Panel on all issues submitted.

At the commencement of the evidentiary hearing, Claimant advised the Panel that the matter had been settled with Respondent Edwards.

At the commencement of the evidentiary hearing, the panel granted Claimant's request that the panel enter a default against Respondents Barron and Procovic for their failure to appear at the evidentiary hearing. However, the panel required that Claimant present evidence to prove liability and damages.

The parties present at the hearing have agreed that the Award in this matter may be executed in counterpart copies.

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:

Respondents Barron and Procovic are liable, jointly and severally, and shall pay to Claimant the sum of \$16,613.55 as compensatory damages, plus interest at the rate of 10% per annum from July 1, 1997 until the date of payment of the Award. The Panel finds against Respondents Barron and Procovic on all counts including violations of Florida Statutes Sections 517.301 and 517.211(4) and (6).

Claimant shall recover reasonable attorney's fees from Respondents Barron and Procovic, jointly and severally, to the extent permitted by Florida Statutes Sections 517.211(4) and (6), and as determined by a court of competent jurisdiction.

Respondents Barron and Procovic are liable, jointly and severally, and shall pay to Claimant the sum of \$500.00 which represents reimbursement of the claim filing fee previously paid by Claimant to NASD Dispute Resolution, Inc.

Any and all other requests for relief not specifically addressed herein, including Claimant's request for punitive damages, are denied.

FEES

Pursuant to 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	= \$ 500.00
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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 firms that employed the associated person at the time of the events giving rise to the dispute. In this matter, the Respondent Edwards is a member firm and is a party.

Respondent Barron was a member firm until December 21, 2000.

Member surcharge	= \$2,500.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$4,500.00

Adjournment Fees

No adjournments were requested during these proceedings.

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 arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$1,200.00	= \$1,200.00
Pre-hearing conference: May 17, 2001	1 session

One (1) Hearing session x \$1,200.00	= \$1,200.00
Hearing Date: November 8, 2001	1 session

Total Forum Fees	= \$2,400.00
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The panel has assessed \$1,200.00 of the forum fees to Respondent Edwards.

The panel has assessed \$1,200.00 of the forum fees jointly and severally to Respondents Barron and Procvic.

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.

Claimant requested additional copies of Awards beyond those provided without charge = \$55.00.

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$ 500.00
Administrative Costs	= \$ 55.00

Total Fees	= \$ 555.00
Less payments	= \$ 555.00

Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00
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Respondent Edwards be and hereby is solely liable for:

Member Fees	= \$7,600.00
Forum Fees	= \$1,200.00

Total Fees	= \$8,800.00
Less payments	= \$7,600.00

Balance Due NASD Dispute Resolution, Inc. = \$1,200.00

Respondent Barron be and hereby is solely liable for:

Member Fees = \$2,500.00

Total Fees = \$2,500.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution, Inc. = \$2,500.00

Respondents Barron and Procovic be and hereby are jointly and severally liable for:

Forum Fees = \$1,200.00

Total Fees = \$1,200.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution, Inc. = \$1,200.00

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

<i>Bonnie A. Pearce</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>Oscar Schneider, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Samuel M. Niden</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

/s/
Bonnie A. Pearce
Public Arbitrator, Presiding Chair

Signature Date

/s/
Oscar Schneider, Esq.
Public Arbitrator

Signature Date

December 21, 2001
Date of Service (For NASD-Dispute Resolution office use only)

Balance Due NASD Dispute Resolution, Inc. = \$1,200.00

Respondent Barron be and hereby is solely liable for:

Member Fees = \$2,500.00

Total Fees = \$2,500.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution, Inc. = \$2,500.00

Respondents Barron and Procvic be and hereby are jointly and severally liable for:

Forum Fees = \$1,200.00

Total Fees = \$1,200.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution, Inc. = \$1,200.00

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Bonnie A. Pearce	-	Public Arbitrator, Presiding Chair
Oscar Schneider, Esq.	-	Public Arbitrator
Samuel M. Niden	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Bonnie A. Pearce
Bonnie A. Pearce
Public Arbitrator, Presiding Chair

12/21/01
Signature Date

Oscar Schneider, Esq.
Oscar Schneider, Esq.
Public Arbitrator

Signature Date

Balance Due NASD Dispute Resolution, Inc. = \$1,200.00

Respondent Barron be and hereby is solely liable for:

Member Fees = \$2,500.00

Total Fees = \$2,500.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution, Inc. = \$2,500.00

Respondents Barron and Procvic be and hereby are jointly and severally liable for:

Forum Fees = \$1,200.00

Total Fees = \$1,200.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution, Inc. = \$1,200.00

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.

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Bonnie A. Pearce	-	Public Arbitrator, Presiding Chair
Oscar Schneider, Esq.	-	Public Arbitrator
Samuel M. Niden	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Bonnie A. Pearce
Public Arbitrator, Presiding Chair

Signature Date



Oscar Schneider, Esq.
Public Arbitrator

12/24/01

Signature Date

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12.20.2021
Signature Date