

AWARD
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimants

John E. Archibold and Mary O. Archibold Trust,
John E. Archibold Trust, Mary E. Ogelsby Archibold Trust,
Mary E. Ogelsby Archibold IRA, John E. Archibold IRA

and

01-01262
Denver, Colorado

Name of Respondents

Investment Management Consultants, Ltd. and
Richard L Behr

REPRESENTATION OF PARTIES

John E. Archibold and Mary O. Archibold Trust, John E. Archibold Trust, Mary E. Ogelsby Archibold Trust, Mary E. Ogelsby Archibold IRA, John E. Archibold IRA ("**Claimants**") were represented by one of the Claimants, John E. Archibold, Esq., Law Offices of John E. Archibold, Denver, Colorado.

Investment Management Consultants, Ltd. and Richard L. Behr ("**Respondents**") were represented by C. Garold Sims, Esq., Investment Management Consultants, Denver, Colorado.

CASE INFORMATION

The Statement of Claim was filed on or about March 14, 2001. Submission Agreement of Claimants were signed on March 9, 2001.

Statement of Joint Answer was filed by Respondents on or about April 23, 2001. Submission Agreement of Respondent Investment Management Consultants, Ltd. was signed on April 23, 2001 by C. Garold Sims, Esq. The NASD has no record of Submission Agreement signed by Respondent Richard L. Behr.

CASE SUMMARY

Claimants alleged that they invested money with Respondents. Claimants further alleged that rather than follow Claimants' stated investments goals, Respondents breached their fiduciary duty to Claimants and lost much of Claimants' investment. Claimants asserted causes of action including breach of contract, negligence, failure to supervise, failure to execute and breach of fiduciary duty.

Respondents denied the allegations set forth in the Statement of Claim. Respondents specifically stated that money that Claimants lost, if any, was due to market fluctuations.

RELIEF REQUESTED

Claimant requested an award in the amount of \$12,519.00 in compensatory damages, \$10,000.00 in punitive damages and costs and any other relief as may deemed appropriate by the Panel of Arbitrators.

Respondents requested that the claims asserted against them be denied in its entirety and that they be awarded their costs and attorneys' fees.

OTHER ISSUES CONSIDERED & DECIDED

Respondent Richard L. Behr did not file with the NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code") and having answered the claim, appeared and testified at the hearing is bound by the determination of the Arbitrator on all issues submitted. In addition, Respondents signed pre-arbitration agreements to arbitrate and pursuant to that agreement are required to submit to arbitration.

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. In either case, the parties have agreed to receive

conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution, Inc. (the "NASD").

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing and the post-hearing submissions, if any, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. That any all requests for relief are hereby denied in their entirety;
2. That to the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice.
3. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys fees.

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 = \$125.00

Forum Fees and Assessments

The Arbitration Panel assesses 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 session with a single arbitrator x \$450.00	= \$900.00
Pre-hearing conference: July 12, 2001	1 session
August 22, 2001	1 session

Two (2) Hearing sessions x \$450.00		= \$900.00
Hearing Dates:	November 6, 2001	2 sessions
Total Forum Fees		= \$1,800.00

The Arbitrator has assessed \$1,800.00 of the forum fees jointly and severally to Claimant John E. Archibold and Mary O. Archibold Trust, John E. Archibold Trust, Mary E. Ogelsby Archibold Trust, Mary E. Ogelsby Archibold IRA, John E. Archibold IRA .

Fee Summary

Respondents, Investment Management Consultants, Ltd. and Richard L. Behr be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	= \$ 00.00
Total Fees	= \$ 00.00
<u>Less payments</u>	= \$ 00.00
Zero Balance Due NASD Dispute Resolution, Inc.	= \$ 00.00

Claimants, John E. Archibold and Mary O. Archibold Trust, John E. Archibold Trust, Mary E. Ogelsby Archibold Trust, Mary E. Ogelsby Archibold IRA, John E. Archibold IRA shall be and hereby are jointly and severally liable for:

Initial filing fee	= \$ 125.00
Forum Fees	= \$1,800.00
Total Fees	= \$1,925.00
<u>Less Payments</u>	= \$ 575.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,350.00

All balances are due to NASD Dispute Resolution, Inc.

NASD Dispute Resolution, Inc.
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ARBITRATOR

John H. Barton - Public, Sole Arbitrator

Sole Arbitrator:

John H. Barton
Public Arbitrator

Signature Date

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ARBITRATOR

John H. Barton - Public, Sole Arbitrator

Sole Arbitrator:

John H. Barton

John H. Barton
Public Arbitrator

1-26-12

Signature Date