

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Case Number: 02-04604

Kenneth Haydon Cameron, individually
and on behalf of the Kenneth Haydon
Cameron IRA, the Kenneth Haydon
Cameron SEP IRA and the Kenneth
Haydon Cameron Rollover IRA, and
Joanne Cameron

Names of the Respondents

Hearing Site: Boca Raton, Florida

K.W. Brown Investments and
Kenneth Brown

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

For Kenneth Haydon Cameron, individually and on behalf of the Kenneth Haydon Cameron IRA, the Kenneth Haydon Cameron SEP IRA and the Kenneth Haydon Cameron Rollover IRA, and Joanne Cameron, hereinafter collectively referred to as "Claimants": Glenn D. Kelley, Esq., Kelley & Warren, P.A., West Palm Beach, Florida.

For K.W. Brown Investments ("KWB") and Kenneth Brown ("Brown"), hereinafter collectively referred to as "Respondents": Russell L. Forkey, Esq., Russell L. Forkey, P.A., Ft. Lauderdale, Florida, until his withdrawal of counsel on or about November 26, 2003. Thereafter, Respondents were represented by Kenneth Brown, CEO, K.W. Brown Investments.

CASE INFORMATION

Statement of Claim filed on or about: August 6, 2002.

Claimants signed the Uniform Submission Agreement: July 29, 2002.

Motion to Dismiss for Lack of Jurisdiction, Answer and Affirmative Defenses filed by Respondents on or about: October 28, 2002.

Response to Motion to Dismiss filed by Claimants on or about: May 22, 2003.

Respondents signed the Uniform Submission Agreement: December 3, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty; unsuitability; common law fraud; negligence; gross negligence; negligent supervision; respondeat superior; violation of Florida Securities and Investor Protection Act (Chapter 517 of the Florida Statutes); and breach of contract. The causes of action relate to the purchase and sale of a SunLife annuity and shares of unspecified securities products in Claimants' accounts.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various defenses. In addition, Respondents asserted a motion to dismiss the statement of claim on the bases that Respondents were not parties to the Management Agreements entered into between Claimants and a non-member firm and there was no agreement between Claimants and Respondents to arbitrate this matter.

In response to the motion to dismiss, Claimants denied the assertions contained therein.

RELIEF REQUESTED

Claimants requested compensatory damages in an amount between \$100,000.00 and \$500,000.00, costs and that the Panel refer the issue of attorney's fees to a court of competent jurisdiction in accordance with Florida law together with a recommendation to the court that attorney's fees be awarded to Claimants as the prevailing party under Chapter 517 of the Florida Statutes.

Respondents requested that the Panel dismiss the Statement of Claim in its entirety and enter an award of attorney's fees in their favor together with any other relief deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about June 20, 2003, the Panel issued an order which deferred ruling on Respondents' Motion to Dismiss for Lack of Jurisdiction until the evidentiary hearing.

During the evidentiary hearing on December 5, 2003, the Panel heard oral argument on Respondents' Motion to Dismiss for Lack of Jurisdiction. The Panel denied Respondents' motion.

The parties 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, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Respondents, jointly and severally, are liable on the claim of unsuitability as to the annuity and stock purchases in Claimants' investment accounts and shall pay to Claimants total compensatory damages in the amount of \$197,085.00, prejudgment interest specifically excluded, as follows:

In favor of Kenneth and Joanne Cameron, JTWROS, the sum of \$91,627.00;
In favor of Kenneth Haydon Cameron Rollover IRA, the sum of \$76,914.00;
In favor of Kenneth Haydon Cameron SEP IRA, the sum of \$6,177.00;
In favor of Kenneth Haydon Cameron, individually, the sum of \$14,079.00;
In favor of Joanne Cameron SEP IRA, the sum of \$2,330.00; and,

In favor of Joanne Cameron IRA, the sum of \$5,958.00.

Respondents, jointly and severally, are liable and shall pay to Claimants expert witness fees in the amount of \$5,586.00.

Any requests for attorney's fees are referred to a court of competent jurisdiction.

Any and all claims for relief not specifically addressed herein, including Claimants' claim for relief pursuant to Chapter 517 of the Florida Statutes, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), the following fees are assessed:

Filing Fees

NASD Dispute Resolution 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 that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00

Adjournment Fees

No requests for adjournments were filed in this matter.

Injunctive Relief Fees

No injunctive relief fees were incurred in this matter.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A 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 the Panel @ \$1,125.00	= \$ 1,125.00
Pre-hearing conference: February 27, 2003	1 session

Thirteen (13) Hearing sessions @ \$1,125.00	= \$14,625.00
Hearing Dates: December 1, 2003	2 sessions
December 2, 2003	2 sessions

December 3, 2003	3 sessions
December 4, 2003	3 sessions
December 5, 2003	3 sessions

Total Forum Fees	= \$15,750.00
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The Panel has assessed \$3,937.50 of the forum fees jointly and severally to Claimants.
The Panel has assessed \$11,812.50 of the forum fees jointly and severally to Respondents.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to: additional copies of arbitrator awards; copies of audio transcripts; retrieval of documents from archives; interpreters; and, security.

No administrative costs were incurred in this matter.

FEE SUMMARY

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 3,937.50

Total Fees	= \$ 4,237.50
Less payments	= \$ 1,425.00

Balance Due NASD Dispute Resolution	= \$ 2,812.50
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Respondent KWB is solely liable for:

Member Fees	= \$ 5,200.00
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Total Fees	= \$ 5,200.00
Less payments	= \$ 5,200.00

Balance Due NASD Dispute Resolution	= \$ 0.00
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Respondents are jointly and severally liable for:

Forum Fees	= \$11,812.50
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Total Fees	= \$11,812.50
Less payments	= \$ 0.00

Balance Due NASD Dispute Resolution	= \$11,812.50
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All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule

10330(g) of the Code.

ARBITRATION PANEL

James A. Smith, IV	-	Public Arbitrator, Presiding Chair
Seymour Herman, Esq.	-	Public Arbitrator
Lanny M. Leff	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

12/11/03

James A. Smith, IV
Public Arbitrator, Presiding Chair

Signature Date

/s/

12/11/03

Seymour Herman, Esq.
Public Arbitrator

Signature Date

/s/

12/11/03

Lanny M. Leff
Non-Public Arbitrator

Signature Date

12/15/03

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

10330(g) of the Code.

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Seymour Herman, Esq.	-	Public Arbitrator
Lanny M. Leff	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



James A. Smith, IV
Public Arbitrator, Presiding Chair

12/11/2003
Signature Date

Seymour Herman, Esq.
Public Arbitrator

Signature Date

Lanny M. Leff
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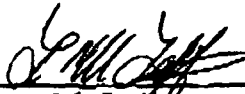
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James A. Smith, IV
Public Arbitrator, Presiding Chair

Signature Date

Seymour Herman, Esq.
Public Arbitrator

Signature Date



Lanny M. Leff
Non-Public Arbitrator

Dec 11, 2003

Signature Date

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10330(g) of the Code.

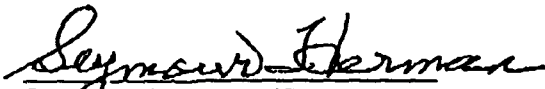
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Seymour Herman, Esq.	-	Public Arbitrator
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Concurring Arbitrators' Signatures

James A. Smith, IV
Public Arbitrator, Presiding Chair

Signature Date



Seymour Herman, Esq.
Public Arbitrator



Signature Date

Lanny M. Leff
Non-Public Arbitrator

Signature Date

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