
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Ingebord F. Chard

Case Number: 02-05063

Names of the Respondents

AXA Advisors, LLC

The Equitable Life Assurance Society
of the United States

Hearing Site: Orlando, Florida

Nature of the Dispute: Customer vs. Members

REPRESENTATION OF PARTIES

For Ingebord F. Chard, referred to as "Claimant": Christopher T. Vernon, Esq., Treiser, Collins & Vernon, Naples, Florida.

For AXA Advisors, LLC, referred to as "Respondent AXA", and The Equitable Life Assurance Society of the United States, referred to as "Respondent Equitable": Russell A. Divak, Vice President and Counsel with Respondent AXA Financial, Inc., New York, New York. On or about October 28, 2003, Leland D. Barringer, Esq., Miller, Canfield, Paddock & Stone, PLC, Detroit, Michigan, appeared as co-counsel to Respondents AXA and Equitable.

CASE INFORMATION

Statement of Claim filed on or about: August 27, 2002.

Claimant signed the Uniform Submission Agreement on: August 9, 2002.

Statement of Answer and Notice of Affirmative Defenses filed by Respondents AXA and Equitable on or about: December 27, 2002.

Respondent AXA signed the Uniform Submission Agreement on: December 23, 2002.

Respondent Equitable signed the Uniform Submission Agreement on: December 23, 2002.

CASE SUMMARY

Claimant alleged the following causes of action: 1) breach of fiduciary duty; 2) account-related gross negligence; 3) suitability violations, particularly Section 517.301, Florida Statutes; 4) deceptive practices; 5) omission and misrepresentation of material facts; 6) grossly negligent hiring, retention and supervision; 7) grossly negligent

issuance of a variable life insurance policy; and 8) fraud. The causes of action relate to investment in Incentive Life Plus flexible premium variable life insurance policy issued by Equitable.

Respondents AXA and Equitable denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimant requested: 1) compensatory damages; 2) disgorgement of ill-gotten gains; 3) costs; 4) interest; 5) punitive damages; and 6) a disciplinary referral.

Respondents AXA and Equitable requested: 1) dismissal of the Statement of Claim in its entirety; 2) costs; 3) attorneys' fees; and 4) such other relief the undersigned arbitrators (the "Panel") deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about June 17, 2003, Arbitrator Mark Garrettt withdrew from the Panel. On or about June 20, 2003, Claimant notified NASD Dispute Resolution of the parties' unanimous agreement to proceed without the appointment of a replacement arbitrator and to proceed with Arbitrators Sirkin and Watkins.

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, 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:

1. Respondents AXA and Equitable and jointly and severally liable and shall pay to Claimant compensatory damages in the amount of \$17,500.00, plus interest at the Florida legal rate from June 25, 1998 until the date of payment of the Award.
2. Respondents AXA and Equitable and jointly and severally liable and shall reimburse Claimant \$250.00 representing the claim filing fee previously paid by Claimant to NASD Dispute Resolution.
3. Claimant's request for punitive damages is denied.
4. Claimant's request for attorneys' fees is denied.
5. Respondents AXA and Equitable's requests for attorneys' fees are denied.
6. Any and all claims for relief not specifically addressed herein are denied.

FEES

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

Filing Fees

NASD will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 250.00

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. Accordingly, Respondent AXA is a member firm and is a party, and Respondent Equitable was a member firm and is a party.

Member surcharge = \$1,500.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$2,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournments requested during these proceedings for which fees were assessed.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

There were no injunctive relief fees assessed during these proceedings.

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 Panel @ \$1,000.00 per session = \$1,000.00

Pre-hearing conference: April 16, 2003 1 session

Seven (7) Hearing sessions @ \$1,000.00 per session = \$7,000.00

Hearing Dates: November 18, 2003 2 sessions

November 19, 2003 2 sessions

November 20, 2003 2 sessions

November 21, 2003 1 session

Total Forum Fees = \$8,000.00

The Panel has assessed the total forum fees in the amount of \$8,000.00 jointly and severally to Respondents AXA and Equitable.

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 not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$ 250.00
<u>Total Fees</u>	= \$ 250.00
<u>Less payments</u>	= \$ 250.00
<u>Balance Due NASD</u>	= \$ 0.00

Respondent AXA is solely liable for:

<u>Member Fees</u>	= \$4,450.00
<u>Total Fees</u>	= \$4,450.00
<u>Less payments</u>	= \$4,450.00
<u>Balance Due NASD</u>	= \$ 0.00

Respondent Equitable is solely liable for:

<u>Member Fees</u>	= \$4,450.00
<u>Total Fees</u>	= \$4,450.00
<u>Less payments</u>	= \$4,450.00
<u>Balance Due NASD</u>	= \$ 0.00

Respondents AXA and Equitable are jointly and severally liable for:

<u>Forum Fees</u>	= \$8,000.00
<u>Total Fees</u>	= \$8,000.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD</u>	= \$8,000.00

All balances are payable to NASD and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Arthur L. Sirkin
Archibald L. Watkins

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Public Arbitrator, Presiding Chairperson
Non-Public Arbitrator

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Concurring Arbitrators' Signatures

/s/

Arthur L. Sirkin

Public Arbitrator, Presiding Chairperson

December 5, 2003

Signature Date

/s/

Archibald L. Watkins

Non-Public Arbitrator

December 5, 2003

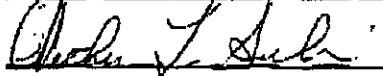
Signature Date

December 8, 2003

Date of Service (For NASD use only)

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Concurring Arbitrators' Signatures



Arthur L. Sirkin
Public Arbitrator, Presiding Chairperson

12/05/03
Signature Date

Archibald L. Watkins
Non-Public Arbitrator

Signature Date

Date of Service (For NASD use only)

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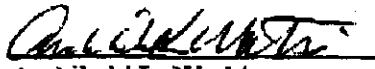
ARCH WATKINS

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Concurring Arbitrators' Signatures

Arthur L. Sirkin
Public Arbitrator, Presiding Chairperson



Archibald L. Watkins
Non-Public Arbitrator

Signature Date

12.5.03

Signature Date

Date of Service (For NASD use only)