

NATIONAL ASSOCIATION OF SECURITIES DEALERS

OFFICE OF DISPUTE RESOLUTION

VIOLA M. SMITH,

Claimant,

vs.

LOUIS SMALLE

Respondent.

Case No. NASD No. 02-05067

ARBITRATION AWARD AND ORDER
FOR EXPUNGEMENT

This Matter comes before the Arbitrator pursuant to the parties' "Stipulation For Dismissal of All Claims and Withdrawal of All Allegations and Request for Expungement". The Arbitrator, having considered the parties' "Stipulation for Dismissal of All Claims and Withdrawal of All Allegations and Request for Expungement", the Arbitrator's file, and such other matters (including statements of counsel, if any) as to the Arbitrator seemed necessary and proper hereby states as follows:

1. Claimant and Respondent state that they have amicably resolved all matters arising out of, or relating to, this arbitration and any and all matters between them, subject to an appropriate Arbitration Award and Order from the Arbitrator dismissing all claims with prejudice and expunging all references to this arbitration as herein described.
2. Respondent has expressly denied all allegations of any wrongdoing. Claimant states that her claims in this arbitration have arisen out of an unintentional misunderstanding between Claimant and Respondent.
3. Claimant and Respondent state that Claimant has not sustained any out of pocket damages as a result of any investment recommendations made by Mr. Smalle and, in fact, when Claimant's portfolio is reviewed in its entirety, Claimant has made approximately \$6,209.11. The transactions at issue were performed by Respondent at what he understood were the directions of the Claimant, without commission or other compensation, and in what he believed to be the best interests of Claimant.
4. Claimant and Respondent have agreed that all matters arising out of, or relating to, this arbitration proceeding should be treated as confidential by the parties and their agents and attorneys. Claimant and Respondent have also agreed to enter into a mutually agreeable settlement agreement memorializing the dismissal of all claims with prejudice and the withdrawal of all allegations in this arbitration proceeding. Claimant and Respondent have also agreed to execute such other and further documents, and cooperate as otherwise necessary, in order to fully expunge all customer dispute information relating to this arbitration and/or any claims and allegations of Ms. Smith against Mr. Smalle with the National Association of

Securities Dealers; North America Securities Administrators Association; the Securities Exchange Commission; and the Colorado Division of Securities.

5. Claimant and Respondent have requested that the Arbitrator dismiss this proceeding with prejudice, each party to pay its own costs and attorney's fees, and that the Arbitrator enter, as part of the Arbitration Award, an Order for expungement that all references of any kind to this arbitration proceeding, and any claims or allegations by Ms. Smith, be fully expunged and removed from the Central Registration Depository ("CRD"), and any other records of or involving the National Association of Securities Dealers, and that such Arbitration Award and Order provide for confirmation by a court of competent jurisdiction for the purposes of further effectuating this expungement Order.

NOW THEREFORE, THE SOLE ARBITRATOR FINDS AND DETERMINES AS FOLLOWS:

- i. All claims of the Claimant are dismissed with prejudice;
- ii. All allegations of the Claimant are withdrawn;
- iii. All references of any kind to this arbitration proceeding, and any claims or allegations by the Claimant shall be fully expunged and removed from the Central Registration Depository ("CRD") and any other records of or involving the National Association of Securities Dealers;
- iv. Claimant and Respondent shall execute such other and further documents and cooperate, as otherwise necessary, in order to fully expunge all customer dispute information relating to this arbitration and/or any claims and allegations of the Claimant against or involving the Respondent with the National Association of Securities Dealers; North America Securities Administrators Association; the Securities Exchange Commission; the Colorado Division of Securities, and otherwise; and
- v. A court of competent jurisdiction shall be authorized to confirm this Arbitration Award for all purposes, including the expungement and removal of all references of any kind to this arbitration proceeding and any and all claims and allegations of the Claimant, from the Central Registration Depository, and any other records of or involving the National Association of Securities Dealers.

Dated this 1st day of October, 2003.

BY THE SOLE ARBITRATOR

