

ORIGINAL

**Amended Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:
Rae K. Nelson, Claimant v. A.G. Edwards & Sons, Inc., Respondent

Case Number: 02-05317

Hearing Site: Salt Lake City, Utah

Nature of Dispute: Associated Person v. Member

REPRESENTATION OF PARTIES

For Claimant:

Lary S. Larson, Esq.
Hopkins Roden Crockett Hansen & Hoopers
Idaho Falls, Idaho

For Respondent:

Phyllis A. Hatrich, Esq.
A.G. Edwards & Sons, Inc.
St. Louis, Missouri

CASE INFORMATION

Statement of Claim filed: September 9, 2002

Claimant's Uniform Submission Agreement signed: August 29, 2002

Statement of Answer filed by Respondent: November 15, 2002

Respondent's Uniform Submission Agreement signed: November 5, 2002

CASE SUMMARY

Claimant's Statement of Claim alleged breach of contract, failure to pay commissions, and wrongful termination.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim and asserted affirmative defenses.

RELIEF REQUESTED

Claimant requested \$350,000.00 in compensatory damages, attorney's fees, and costs.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

On October 30, 2003, the Award in the above-captioned case was served on the parties. The Award incorrectly identified Chairperson, Bruce Cohne, JD and Arbitrator Lincoln Stock as public Arbitrators. Both Arbitrators are properly classified as Non-Public Arbitrators pursuant to Rule 10308(a)(4) of the Code of Arbitration Procedure. On October 31, 2003, the Amended Award reflecting both Arbitrators as "Non-Public Arbitrators" was re-served on the parties.

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, testimony, evidence presented at the hearing, and post-hearing submissions, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent is liable to and shall pay Claimant the sum of \$11,802.33 in compensatory damages for lost commissions.
- 2) Respondent is liable to and shall pay to Claimant the sum of \$35,406.99 in treble damages on the lost commissions pursuant to Idaho Law Sections 45-615 and 45-601(7).
- 3) Respondent is liable to and shall pay to Claimant the sum of \$ 30,000.00 in lost future earnings.
- 4) Respondent is liable to and shall pay to Claimant the sum of \$25,729.92 in attorney's fees pursuant to Idaho Law Section 56-615.
- 5) Respondent is liable to and shall pay to Claimant the sum of \$1,903.00 in costs associated with video conferencing.
- 6) Except as discussed herein, the parties shall bear their respective costs, including attorney's fees.
- 7) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 300.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm A.G. Edwards & Sons, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,700.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$ 2,750.00</u>
Total Member Fees	= \$ 5,200.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair/Panel. The following fees are assessed:

One (1) Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$ 1,125.00
Pre-hearing conference: April 1, 2003	1 session

One (1) Pre-hearing conference session with a single arbitrator @ \$450.00/session	= \$ 450.00
Pre-hearing conferences: September 5, 2003	1 session

Eight (8) Hearing sessions with the Panel @ \$ 1,125.00/session	= \$ 9,000.00
Hearings: September 16, 2003	2 sessions
September 17, 2003	2 sessions
September 18, 2003	2 sessions
September 19, 2003	2 sessions

Total Forum Fees	= \$ 10,575.00
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The Panel assessed the entire amount of the forum fees to Respondent A.G. Edwards & Sons, Inc.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
<u>Less payments</u>	= \$ (1,425.00)
Refund Due Claimant	= \$ (1,125.00)

2. Respondent is charged with the following fees and costs:

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 10,575.00
Total Fees	= \$ 15,775.00
<u>Less payments</u>	= \$ (5,200.00)
Balance Due NASD Dispute Resolution	= \$ 10,575.00

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

ARBITRATION PANEL

Bruce G. Cohn, J.D.
Lincoln F. Stock
Richard M. Benton

- Non-Public Arbitrator, Presiding Chair
- Non-Public Arbitrator
- Non-Public Arbitrator

Concurring Arbitrators' Signatures

BRUCE G. COHNE, J.D.
Chair, Non-Public Arbitrator

Signature Date


LINCOLN F. STOCK
Non-Public Arbitrator

10/31/03
Signature Date

RICHARD M. BENTON
Non-Public Arbitrator

Signature Date

10/31/03
Date of Service

ARBITRATION PANEL

Bruce G. Cohn, J.D.	-	Non-Public Arbitrator, Presiding Chair
Lincoln F. Stock	-	Non-Public Arbitrator
Richard M. Benton	-	Non-Public Arbitrator

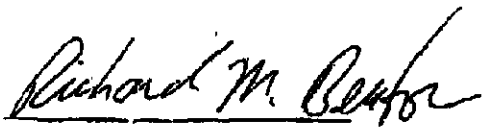
Concurring Arbitrators' Signatures

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Chair, Non-Public Arbitrator

Signature Date

LINCOLN F. STOCK
Non-Public Arbitrator

Signature Date



RICHARD M. BENTON
Non-Public Arbitrator

10-31-03
Signature Date

10/31/03
Date of Service

ARBITRATION PANEL

<i>Bruce G. Cohne, J.D.</i>	-	<i>Non-Public Arbitrator, Presiding Chair</i>
<i>Lincoln F. Stock</i>	-	<i>Non-Public Arbitrator</i>
<i>Richard M. Benton</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures



BRUCE G. COHNE, J.D.
Chair, Non-Public Arbitrator

11/03/03

Signature Date

LINCOLN F. STOCK
Non-Public Arbitrator

Signature Date

RICHARD M. BENTON
Non-Public Arbitrator

Signature Date

Date of Service