

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Claimants

Glenn O. Machut and Jane A. Machut

Case Number: 02-06811

Respondents

First Financial Planners and
Shawn Kramlich

Hearing Site: Milwaukee, Wisconsin

TYPE OF CONTROVERSY

Customers v. Member Firm and Associated Person

REPRESENTATION OF PARTIES

Claimants Glenn O. Machut and Jane A. Machut were represented by Mark E. Sanders, Esq., of Halling & Cayo, S.C., located in Milwaukee, Wisconsin.

Respondent First Financial Planners was represented by Gary Irwin, Esq., of Edgerton, Weaver & Irwin, located in Minneapolis, Minnesota..

Respondent Shawn Kramlich was represented by David A. Baugh, Esq., of Mora, Baugh, Waitzman, & Unger, LLP., located in Chicago, Illinois.

CASE INFORMATION

The Statement of Claim was filed on or about November 8, 2002.

Claimants signed the Uniform Submission Agreement on or about August 24, 2002.

Respondent First Financial Planners filed its Statement of Answer and signed Uniform Submission Agreement on or about February 19, 2003.

Respondent Shawn Kramlich filed his Statement of Answer on or about February 28, 2003 and signed the Uniform Submission Agreement on February 25, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: violation of Wisconsin's Uniform Securities Law, intentional misrepresentation, negligent misrepresentation, negligence, and breach of fiduciary duty.

Unless specifically admitted in their respective answers, Respondents denied the allegations made in the Statement of Claim and asserted that Claimants authorized and assumed all market risks in connection with each purchase and sale, and that the allocation of the accounts at issue was suitable and consistent with Claimants' stated investment objectives, goals, investment experience, and risk tolerance.

RELIEF REQUESTED

Claimants requested \$408,550.00 as compensatory damages and unspecified amounts in interest, attorney's fees, and costs.

Respondents requested denial and dismissal of all claims asserted by Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

Claimants informed NASD Dispute Resolution that the matter had been fully settled, resolved and compromised. The parties have stipulated and agreed that the Panel enter an order and/or award requesting the expungement of any references of this matter from the NASD Central Registration Depository ("CRD") record of Shawn Kramlich.

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

1. All claims against Respondents First Financial Planners and Shawn Kramlich are hereby dismissed with prejudice.
2. Each party shall bear their respective costs, including attorney's fees.
3. The Panel recommends the expungement of any references to the above-captioned arbitration from Shawn Kramlich's registration records maintained by the CRD, with the understanding that, pursuant to NASD Notice of Members 99-09, confirmation of this Award must be obtained from a court of competent jurisdiction before the CRD will execute the expungement directive.
4. Any and all relief not specifically addressed herein, including punitive damages, is denied and all claims are dismissed with prejudice.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fee for each claim:

Initial claim filing fee: =\$ 300.00

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, First Financial Planners is assessed the following fees:

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

Adjournment Fees

Pursuant to 10332(f) of the Code, NASD will retain the hearing session deposit for any claim if it is settled within 8 days of the first scheduled hearing date. NASD will retain \$562.50 of the hearing session deposit filed by claimants.

Pursuant to 10306 of the Code, NASD will pay each arbitrator a \$100.00 late cancellation fee, that is charged to the parties. The Panel has assessed \$150.00 of this fee to Claimants, jointly and severally, and \$150.00 of this fee to Respondents, jointly and severally.

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 conference with the Panel at \$1,125.00
Pre-hearing conference date: November 26, 2003 = \$1,125.00
Total Forum Fees = \$1,125.00

The Panel has assessed \$562.50 of the forum fees to Claimants, jointly and severally and \$562.50 of the forum fees to Respondents, jointly and severally.

FEE SUMMARY

Claimants Glenn O. Machut and Jane A. Machut are jointly and severally liable for:

Filing fee = \$ 300.00
Forum fee = \$ 562.50
Eight Day Penalty = \$ 562.50

<u>Late Cancellation Fee</u>	= \$ 150.00
<u>Total fees</u>	= \$1,575.00
<u>Less payments</u>	= \$1,575.00
Total amount due to NASD Dispute Resolution	= \$ 0.00

Respondent First Financial Planners is solely liable for:

<u>Member fees</u>	= \$5,200.00
<u>Total fees</u>	= \$5,200.00
<u>Less payments</u>	= \$5,200.00
Total amount due to NASD Dispute Resolution	= \$ 0.00

Respondents First Financial Planners and Shawn Kramlich are jointly and severally liable for:

Forum fees	= \$ 562.50
<u>Late cancellation fees</u>	= \$ 150.00
<u>Total fees</u>	= \$ 712.50
<u>Less payments</u>	= \$ 712.50
Total amount due to NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Peter O. Kirchoff	-	Public Arbitrator, Presiding Chairperson
Richard A. VanKalker	-	Public Arbitrator
Robert P. Bramnick, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Peter O. Kirchoff
Public Arbitrator, Presiding Chairperson

Signature Date

Richard A. VanKalker
Public Arbitrator

Signature Date

Robert P. Bramnick, Esq.
Non-Public Arbitrator

Signature Date

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Arbitration No. 02-06811
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July 18, 2005
Date of Service (For NASD Dispute Resolution Office use only)

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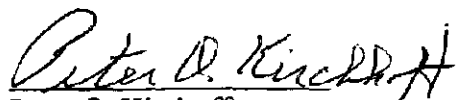
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Concurring Arbitrators' Signatures



Peter O. Kirchoff
Public Arbitrator, Presiding Chairperson

July 8, 2005
Signature Date

Richard A. VanKalker
Public Arbitrator

Signature Date

Robert P. Bramnick, Esq.
Non-Public Arbitrator

Signature Date

NASD Dispute Resolution
Arbitration No. 02-06811
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Peter O. Kirchoff
Public Arbitrator, Presiding Chairperson

Signature Date

Richard A. VanKalker
Public Arbitrator

7/5/05
Signature Date

Robert P. Bramnick, Esq.
Non-Public Arbitrator

Signature Date

NASD Dispute Resolution
Arbitration No. 02-06811
Award Page 4 of 5

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