

**STIPULATED AWARD
NASD Dispute Resolution**

In the Matter of Arbitration Between:

Name of Claimant
Susan P. Sylvester

Case Number: 02-06916

Names of Respondents
A.G. Edwards & Sons, Inc.
Frederick Findeisen
Mark Bonnot
Harvest Financial Corporation
Frank D. Ruscetti
Robert A. Papariella

Hearing Site: Pittsburgh, Pennsylvania

Nature of Dispute: Customer v. Members and Associated Persons.

REPRESENTATION OF THE PARTIES

Claimant, Susan P. Sylvester, hereinafter referred to as "Claimant," was represented by student attorney Margaret Zylka House, Duquesne Law School Securities Arbitration Practicum, Pittsburgh, Pennsylvania and by Sandy Garfinkel, Esq., Eckert Seamans Cherin & Mellott, LLC, Pittsburgh, Pennsylvania.

Respondents, A.G. Edwards & Sons, Inc. ("A.G. Edwards"), Frederick Findeisen ("Findeisen"), and Mark Bonnot ("Bonnot") were represented by James C. Browning, Jr., Esq., A.G. Edwards & Sons, Inc., St. Louis, Missouri.

Respondents, Harvest Financial Corporation ("Harvest") and Frank D. Ruscetti ("Ruscetti"), were represented by Edward Terreri, Esq., c/o Harvest Financial Corporation, Pittsburgh, Pennsylvania.

Respondent, Robert A. Papariella ("Papariella") is *Pro se*.

Respondents, A.G. Edwards, Findeisen, Bonnot, Harvest, Ruscetti, and Papariella are hereinafter collectively referred to as "Respondents."

CASE INFORMATION

Statement of Claim filed on November 15, 2002.

Claimant signed the Uniform Submission Agreement on November 26, 2002.

Statement of Answer filed by Respondents A.G. Edwards and Findeisen on February 10, 2003.

Stephen G. Sneeringer, Senior Vice President and Counsel, signed the Uniform Submission Agreement on behalf of Respondent A.G. Edwards on February 6, 2003.
Respondent Findeisen signed the Uniform Submission Agreement on February 14, 2003.
Statement of Answer filed by Respondents Harvest and Ruscetti on February 7, 2003.
Richard H. DiBiase signed the Uniform Submission Agreement on behalf of Respondent Harvest on February 6, 2002.
Respondent Ruscetti signed the Uniform Submission Agreement on February 6, 2003.
Amended Statement of Claim filed on May 15, 2003.
Amendment to Statement of Answer filed by Respondents Harvest and Ruscetti on May 6, 2003.
Response to Claimant's Amended Statement of Claim filed by Respondents A.G. Edwards, Findeisen, and Bonnot on June 10, 2003.
Response to Claimant's Amended Statement of Claim filed by Respondents Harvest and Ruscetti on May 22, 2003.
Respondents filed a Motion for Dismissal of Claims Against Mark Bonnot on July 1, 2003.
Respondent Bonnot did not file a Uniform Submission Agreement.
Respondent Papariella neither filed a Uniform Submission Agreement nor a Statement of Answer.

CASE SUMMARY

Claimant asserted the following causes of action, among others: churning; suitability; breach of fiduciary; omission of fact; unauthorized trading; violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Law and the Pennsylvania Securities Act; and failure to supervise. The causes of action alleged relate to the purchase and sale of unsuitable securities and unauthorized trading.

Unless specifically admitted in their Answer, Respondents A.G. Edwards, Findeisen and Bonnot denied the allegations made in the Statement of Claim and asserted the following defenses: doctrines of ratification, waiver and estoppel; contributory negligence; assumption of the risk; Claimant's damages were not proximately caused by Respondents' actions; failure to state a claim for which relief may be granted; failure to mitigate damages; Claimant authorized the transactions in dispute; and claims barred by the statute of limitations.

Unless specifically admitted in their Answer, Respondents Harvest and Ruscetti denied the allegations made in the Statement of Claim and asserted the following defenses: claims barred by the statute of limitations; claims barred by the doctrine of laches; assumption of the risk; comparative negligence; contributory negligence; waiver; estoppel; mitigation; and good faith.

RELIEF REQUESTED

Claimant requested damages in excess of \$25, 000.00 including punitive damages in an amount not specified.

Respondents A.G. Edwards, Findeisen and Bonnot requested that all claims be dismissed with prejudice and that Respondents be awarded all costs incurred in connection with this matter and reasonable attorney's fees.

ISSUES CONSIDERED & DECIDED

Prior to the hearing, the parties fully and finally settled all claims by and between them. Therefore, the parties submit this Stipulated Award to the Arbitrator for his consideration and request that it be entered.

Respondent Bonnot did not file with NASD Dispute Resolution, a properly executed submission to arbitration is required to submit to arbitration pursuant to the Code and having answered the claim is bound by the determination of the Arbitrator on all issues submitted.

Respondents Parariella did not file with NASD Dispute Resolution, a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

AWARD

Pursuant to the above, the Arbitrator has agreed to sign this Stipulated Award and that the parties have agreed to the following:

1. All claims against Respondents have been withdrawn by Claimant and are dismissed with prejudice;
2. The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondents' Ruscetti's, Findeisen's, and Bonnot's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents Ruscetti, Findeisen, and Bonnot must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;
3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
4. Any and all relief not specifically addressed herein, including punitive damages, is denied in its entirety.

FEEs

Pursuant to 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	= \$ 125.00
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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 firms that employed the associated persons at the time of the events giving rise to the dispute. Accordingly, A.G. Edwards and Harvest are parties.

A.G. Edwards

Member surcharge = \$ 425.00

Total Member Fees	= \$ 425.00
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Harvest

Member surcharge = \$ 425.00

Total Member Fees	= \$ 425.00
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Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Arbitrator @ \$ 450.00 = \$ 450.00

Pre-hearing conference: October 14, 2003 1 session

Total Forum Fees	= \$ 450.00
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1. The Arbitrator has assessed \$ 64.28 of the forum fees to Claimant.
2. The Arbitrator has assessed \$ 64.28 of the forum fees to A.G. Edwards.
3. The Arbitrator has assessed \$ 64.28 of the forum fees to Findeisen.
4. The Arbitrator has assessed \$ 64.28 of the forum fees to Bonnot.
5. The Arbitrator has assessed \$ 64.28 of the forum fees to Harvest.
6. The Arbitrator has assessed \$ 64.28 of the forum fees to Ruscetti.
7. The Arbitrator has assessed \$ 64.28 of the forum fees to Papariella.

Fee Summary

1. Claimant is assessed and shall pay:

Initial Filing Fee	= \$ 125.00
<u>Forum Fees</u>	= \$ 64.28
Total Fees	= \$ 189.28
<u>Less payments</u>	= \$ 575.00
Refund owed Claimant	= \$ 385.72

2. Respondent A.G. Edwards is assessed and shall pay:

Member Fees	= \$ 425.00
<u>Forum Fees</u>	= \$ 64.28
Total Fees	= \$ 489.28
<u>Less payments</u>	= \$1,125.00
Refund owed A.G. Edwards	= \$ 685.72

3. Respondent Findeisen is assessed and shall pay:

<u>Forum Fees</u>	= \$ 64.28
Total Fees	= \$ 64.28
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 64.28

4. Respondent Bonnot is assessed and shall pay:

<u>Forum Fees</u>	= \$ 64.28
Total Fees	= \$ 64.28
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 64.28

5. Respondent Harvest is assessed and shall pay:

Member Fees	= \$ 425.00
<u>Forum Fees</u>	= \$ 64.28
Total Fees	= \$ 489.28
<u>Less payments</u>	= \$1,125.00
Refund owed Harvest	= \$ 685.72

6. Respondent Ruscetti is assessed and shall pay:

<u>Forum Fees</u>	= \$ 64.28
Total Fees	= \$ 64.28
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 64.28

7. Respondent Papariella is assessed and shall pay:

<u>Forum Fees</u>	= \$	64.28
<u>Total Fees</u>	= \$	64.28
<u>Less payments</u>	= \$	0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$	64.28

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

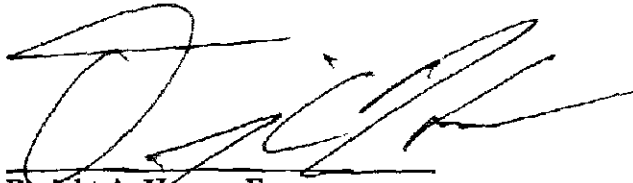
ARBITRATION PANEL

Dwight A. Howes, Esq.

- Public Arbitrator, Presiding Arbitrator

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Arbitrator's Signature



Dwight A. Howes, Esq.
Public Arbitrator, Presiding Arbitrator

November 11, 2004
Signature Date

11/24/04

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