

Revised Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 03-00200

Barbara Alexander Baroody, IRA

Name of the Respondent

Hearing Site: Richmond, Virginia

Davenport & Company, LLC

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

Claimant Barbara Alexander Baroody, IRA, hereinafter referred to as "Claimant", was not represented by counsel.

Respondent Davenport & Company, LLC, hereinafter referred to as "Respondent", was represented by Eric Feiler, Esq. and James E. Farnham, Esq., Hunter & Williams, LLP, Richmond, Virginia.

CASE INFORMATION

Statement of Claim filed on January 6, 2003.

Claimant signed the Uniform Submission Agreement on February 14, 2003.

Statement of Answer filed by Respondent on April 14, 2003.

A representative of Respondent executed the Uniform Submission Agreement on March 7, 2003.

CASE SUMMARY

Claimant asserted the following causes of action, among others: negligence and unsuitability. The causes of action relate to purchase and sale of the following securities: Alliance Tech, Putnam Growth and Income (B), Putnam Investor (B), Putnam New Op (A), Putnam New Op (B), Putnam International Growth (B), Putnam Vista (B), Putnam Voyager (B), and Income Fund of America.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses, among others: failure to state a claim upon which relief may be granted; contributory negligence; any damages were not the result of acts or omissions of the Respondent; estoppel; *in pari delicto*; waiver; ratification; and, failure to mitigate.

RELIEF REQUESTED

Claimant in her Statement of Claim requested:

Compensatory Damages	\$290,000.00
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Respondent in its Statement of Answer requested that the Statement of Claim be dismissed in its entirety; that Respondent be awarded its costs, expenses, and attorneys' fees; and, that it be awarded all other relief the Panel deems just and proper.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable to and shall pay to Claimant compensatory damages in the amount of \$10,000.00, plus simple interest at a rate of 2% per annum from January 15, 2004 until the date of payment in full;
2. The parties shall bear their respective costs, including attorney's fees, except as Fees are specifically addressed below; and,
3. Any and all relief not specifically addressed herein 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	= \$ 300.00
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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 person(s) at the time of the events giving rise to the dispute. Accordingly, Respondent is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00
Total Member Fees	= \$5,200.00

Forum Fees and Assessments

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

One (1) Pre-hearing session with Panel @ \$1,125.00 = \$1,125.00
Pre-hearing conference: August 20, 2003 1 session

Three (3) Hearing sessions @ \$1,125.00 = \$3,375.00
Hearing Dates: November 6, 2003 2 sessions
November 7, 2003 1 session

Total Forum Fees = \$4,500.00

1. The Panel has assessed \$4,500.00 of the forum fees to Respondent.

EEE SUMMARY

1. Claimant is assessed the following fees:

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

2. Respondent is assessed the following fees:

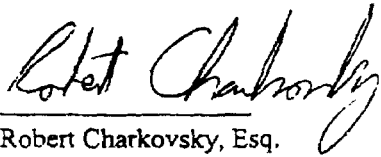
<u>Member Fees</u>	= \$5,200.00
<u>Forum Fees</u>	= \$4,500.00
<u>Total Fees</u>	= \$9,700.00
<u>Less payments</u>	= \$5,200.00
<u>Balance Due NASD Dispute Resolution</u>	= \$4,500.00

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


ARBITRATION PANEL

Robert Charkovsky, Esq.	-	Public Arbitrator, Presiding Chairperson
Wesley C. Wilson	-	Public Arbitrator, Panelist
Anne W. Larkin, Esq.	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Robert Charkovsky, Esq.
Public Arbitrator, Presiding Chairperson



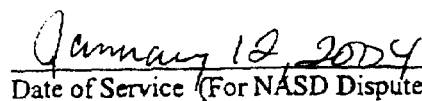
Signature Date

Wesley C. Wilson
Public Arbitrator, Panelist

Signature Date

Anne W. Larkin, Esq.
Non-Public Arbitrator, Panelist

Signature Date


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

Concurring Arbitrators' Signatures

Robert Charkovsky, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Wesley C. Wilson
Wesley C. Wilson
Public Arbitrator, Panelist

5 Jan 2004
Signature Date

Anne W. Larkin, Esq.
Non-Public Arbitrator, Panelist

Signature Date

January 12, 2004
Date of Service (For NASD Dispute Resolution office use only)

Concerning Arbitrators' Signatures

Robert Charkovsky, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Wesley C. Wilson
Public Arbitrator, Panelist

Signature Date

Anne W. Larkin

Anne W. Larkin, Esq.
Non Public Arbitrator, Panelist

1/12/04
Signature Date

January 12 2004
Date of Service (For NASD Dispute Resolution office use only)