

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Name of the Claimants

Mary Giordano, IRA
Angela Giordano (Gregory Giordano, Power of Attorney)
Mary Giordano and Gregory Giordano, JNT
Mary Giordano and Donna Bartolino, JNT

Case Number: 03-00606

Name of the Respondents

American Wealth Management, Inc.
Thomas C. Giordano

Hearing Site: Philadelphia, PA

Nature of the Dispute: Customers vs. Member and Associated Person

REPRESENTATION OF PARTIES

Claimants, Mary Giordano, IRA, Angela Giordano (Gregory Giordano as Power of Attorney), Mary Giordano and Gregory Giordano, JNT and Mary Giordano and Donna Bartolino, JNT, hereinafter collectively referred to as "Claimants", were represented by Brian A. Carlis, Esq., Stark and Stark, P.C., Lawrenceville, New Jersey.

Respondent, American Wealth Management, Inc. ("American Wealth"), was represented by Glenn Delk, Esq., Lightmas & Delk, Attorneys at Law, Atlanta, Georgia.

Respondent, Thomas C. Giordano ("Giordano"), was not represented.

CASE INFORMATION

Statement of Claim filed on January 24, 2003.

Claimants signed the Uniform Submission Agreement on December 17, 2002.

Statement of Answer and Cross-claim filed by Respondent American Wealth on May 16, 2003.

A representative of Respondent American Wealth signed the Uniform Submission Agreement on May 16, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: unsuitability, misrepresentation, excessive trading, breach of contract, breach of fiduciary duty, unauthorized trading, fraud, unsuitable/inappropriate use of margin, failure to supervise, violation of federal and state securities laws and common law. The causes of action relate to trading on margin and the purchase and sale of technology and other stocks.

Unless specifically admitted in its Answer, Respondent American Wealth denied the allegations made in the Statement of Claim and asserted the following defenses among others: assumption of the risk; waiver and laches; statute of limitations; ratification, waiver and estoppel; and, failure to mitigate.

RELIEF REQUESTED

Claimants requested \$90,000.00 in compensatory damages for Angela Giordano and \$260,000.00 in compensatory damages for Mary Giordano, Gregory Giordano and Donna Bartolino. Additionally, the Claimants requested pre-judgment interest on the above sums; post-judgment interest; expenses of this proceeding, including filing and forum fees, other expenses and reasonable attorneys' fees; and, exemplary damages, all in unspecified amounts.

Respondent American Wealth requested indemnification from Respondent Giordano in its Cross-claim.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Giordano did not appear at hearing. Upon review of the file and the representations made by/on behalf of the Claimants and Respondent American Wealth, the undersigned arbitrators (the "Panel") determined that Respondent Giordano had been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent Giordano neither filed with NASD Dispute Resolution a properly executed submission to arbitration nor an answer to the Statement of Claim and Cross-claim but is required to submit to arbitration pursuant to the Code and, is bound by the determination of the Panel on all issues submitted.

At the hearing on the merits, Respondent American Wealth moved the Panel to dismiss Claimants' claims. The Panel denied the motion.

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. Respondents American Wealth and Giordano are jointly and severally liable to and shall pay to Mary Giordano, IRA the sum of one hundred thirty thousand dollars and no cents (\$130,000.00) in compensatory damages;
2. Respondents American Wealth and Giordano are jointly and severally liable to and shall pay to Angela Giordano the sum of forty-five thousand dollars and no cents (\$45,000.00) in compensatory damages;

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 exemplary 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	= \$ 300.00
Cross-claim	= \$1,000.00

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, American Wealth is a party.

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

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: November 19, 2003 1 session	

Two (2) Hearing sessions @ \$1,125.00	= \$2,250.00
Hearing Dates: September 28, 2004 1 session	
September 29, 2004 1 session	

Total Forum Fees	= \$3,375.00
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1. The Panel has assessed \$ 1,687.50 of the forum fees to Claimants jointly and severally.
2. The Panel has assessed \$1,687.50 of the forum fees to Respondents American Wealth and Giordano jointly and severally.

Fee Summary

1. Claimants are jointly and severally assessed and shall pay:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 1,687.50
Total Fees	= \$ 1,987.50
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 562.50

2. Respondent American Wealth is assessed and shall pay:

Cross-claim Filing Fee	= \$ 1,000.00
Member Fees	= \$ 5,200.00
Total Fees	= \$ 6,200.00
Less payments	= \$ 6,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents American Wealth and Giordano are jointly and severally assessed and shall pay:

Forum Fees	= \$ 1,687.50
Total Fees	= \$ 1,687.50
Less payments	= \$ 1,125.00
Balance Due NASD Dispute Resolution	= \$ 562.50

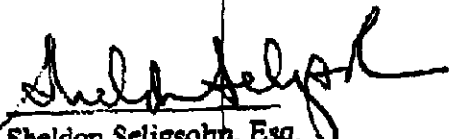
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Sheldon Seligsohn, Esq.
Daniel E. Miller, Esq.
John B. Ryan

- Public Arbitrator, Presiding Chairperson
- Public Arbitrator, Panelist
- Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Sheldon Seligsohn, Esq.
Public Arbitrator, Presiding Chairperson

10/14/04
Signature Date

Daniel E. Miller, Esq.
Public Arbitrator, Panelist

Signature Date

John B. Ryan
Non-Public Arbitrator, Panelist

Signature Date

Oct 15, 2004
Date of Service (For NASD Dispute Resolution office use only)

ARBITRATION PANEL

Sheldon Seligsohn, Esq.
Daniel E. Miller, Esq.
John B. Ryan

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- Public Arbitrator, Panelist
- Non-Public Arbitrator, Panelist

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Sheldon Seligsohn, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



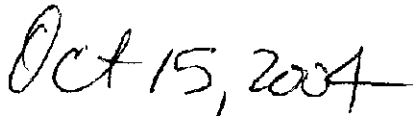
Daniel E. Miller, Esq.
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Signature Date

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John B. Ryan	-	Non-Public Arbitrator, Panelist

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Public Arbitrator, Presiding Chairperson

Signature Date

Daniel E. Miller, Esq.
Public Arbitrator, Panelist

Signature Date



John B. Ryan
Non-Public Arbitrator, Panelist

10.15.04

Signature Date

Oct 15, 2004

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