

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Mary M. Madtes (Claimant) v. A.G. Edwards & Sons, Inc. and Vincent J. Iammarino
(Respondents)

Case Number: 03-00891

Hearing Site: New York, New York

Nature of the Dispute: Customer v. Member and Associated Person.

REPRESENTATION OF PARTIES

Claimant Mary M. Madtes ("Madtes") hereinafter referred to as "Claimant": W. Alexander Melbardis, Esq., Law Offices of W. Alexander Melbardis, East Setauket, NY.

Respondents A.G. Edwards & Sons, Inc. ("AGE") and Vincent J. Iammarino ("Iammarino") hereinafter collectively referred to as "Respondents": James C. Browning, Jr., Esq., A.G. Edwards & Sons, Inc., St. Louis. MO.

CASE INFORMATION

Statement of Claim filed on or about: February 6, 2003.

Claimant signed the Uniform Submission Agreement: January 24, 2003.

Joint Statement of Answer filed by Respondents on or about: April 3, 2003.

Respondent AGE signed the Uniform Submission Agreement: April 3, 2003.

Respondent Iammarino signed the Uniform Submission Agreement: April 3, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: violation of NASD rules; misrepresentation; failure to provide a prospectus; unsuitability; breach of fiduciary duty; and omission. The cause of action relate to the purchase of a variable annuity.

Unless specifically admitted in their Answer, Respondents denied the allegations of wrongdoing set forth in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$33,395.00, benefit of the bargain damages, lost opportunity costs, model portfolio damages, prejudgment interest, attorneys' fees, costs, and the New York Civil Penalties, and for such other relief as may be deemed proper and

necessary.

Respondents requested dismissal of all claims with prejudice, for all costs and expenses, and for such other relief as the arbitrators deem appropriate. Respondent Iammarino also requested an order from the arbitrators expunging all references to this arbitration from his record with the "CRD".

OTHER ISSUES CONSIDERED AND DECIDED

On April 22, 2004, the Claimant notified NASD Dispute Resolution that she had entered into a settlement agreement and was withdrawing all complaints and dismissing all charges filed by her against Respondents AGE and Iammarino. Claimant further apprised NASD Dispute Resolution that the hearing scheduled for April 27-28, 2004 could be cancelled.

On April 22, 2004, Claimant and Respondents, by and through their counsel, agreed to the terms of this Stipulated Award wherein each requests that the undersigned Arbitrator enter an Order expunging all references to this case from the Central Registration Depository ("CRD") record of Respondent Iammarino.

On or about May 10, 2004, the parties submitted a Joint Motion for Entry of Stipulated Award and Stipulated Award for the Arbitrator's approval. These documents are annexed respectively as Exhibits "A" and "B".

AWARD

The parties entered into an agreement to present to the Arbitrator a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Arbitrator grants the motion and enters this award granting the following relief:

1. All claims against Respondents AGE and Iammarino have been withdrawn and dismissed with prejudice. Accordingly, the Arbitrator hereby enters this Award affirming the dismissal of all said claims with prejudice.
2. The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Vincent J. Iammarino'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, Respondent Iammarino must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.
3. All NASD fees shall be divided equally between the parties.

4. Any additional fees associated with the cost of expungement of Respondent Iammarino's record will be borne by Respondent AGE.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$175.00
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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 firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, A.G. Edwards & Sons, Inc. is a party.

Member Surcharge	= \$ 875.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$1,000.00
Total Member Fees	= \$2,625.00

Forum Fees and Assessments

The Arbitrator assesses forum fees for each hearing session conducted. A hearing 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. Forum fees associated with these proceedings are:

Two (2) Pre-hearing conference sessions with the sole arbitrator @ \$450.00/session= \$900.00

Pre-hearing conferences:	July 14, 2003	1 session
	November 13, 2003	1 session

Total Forum Fees	= \$900.00
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1. The Arbitrator has assessed \$450.00 of the forum fees against Claimant.
2. The Arbitrator has assessed \$450.00 of the forum fees jointly and severally against Respondents.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$ 450.00
Total Fees	= \$ 625.00
<u>Less payments</u>	= \$ 625.00
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent AGE is solely liable for:

Member Fees	= \$2,625.00
Total Fees	= \$2,625.00
<u>Less payments</u>	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are jointly and severally liable for:

Forum Fees	= \$ 450.00
Total Fees	= \$ 450.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 450.00

All balances are due and payable to NASD Dispute Resolution

ARBITRATOR

Marian S. Hertz, Esq.

Sole Public Arbitrator

Arbitrator's Signature



Marian S. Hertz, Esq.
Sole Public Arbitrator

6/2/04
Signature Date

June 4, 2004
Date of Service (For NASD office use only)