

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Danny Shank and Barbara Shank, and Danny Shank, IRA (Claimants) v. A.G. Edwards & Sons, Inc. (Respondent)

Case Number: 03-01249

Hearing Site: Cleveland, Ohio

Nature of the Dispute: Customers vs. Member.

REPRESENTATION OF PARTIES

Claimants Danny Shank ("D. Shank") and Barbara Shank ("B. Shank"), and Danny Shank, IRA ("D. Shank IRA") hereinafter collectively referred to as "Claimants":
Thomas C. Wagner, Esq., Van Deusen & Wagner, LLC, Cleveland, OH.

Respondent A.G. Edwards & Sons, Inc. ("AGE") hereinafter referred to as
"Respondent": Matthew R. Salamon, Esq., A.G. Edwards & Sons, Inc., St. Louis, MO.

CASE INFORMATION

Statement of Claim filed on or about: February 18, 2003.

D. Shank signed the Uniform Submission Agreement: December 4, 2002.

B. Shank signed the Uniform Submission Agreement: December 4, 2002.

Statement of Answer filed by Respondent on or about: April 11, 2003.

Respondent signed the Uniform Submission Agreement: March 4, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: unsuitable investment advice; misrepresentation; negligence; breach of fiduciary duty; negligent failure to supervise; respondeat superior; and breach of contract. Claimants' claim involved shares of Eon Communications; Lucent Technology; Sun Microsystems; and mutual funds.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested damages in excess of \$80,000.00 or the amount of the original investment(s) and every subsequent contribution to be returned to Claimants in the form

of rescission as permitted under O.R.C. 1707.43; punitive damages; and costs, including attorneys' fees.

Respondent requested that the Statement of Claim be dismissed with prejudice; that Respondent be awarded its costs; an award recommending the expungement of any reference to these proceedings from Respondent's records as maintained by the Central Registration Depository; and for any other and further relief deemed appropriate under the facts and circumstances of the case.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have 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 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 and shall pay to D. Shank and B. Shank compensatory damages in the amount of \$12,786.50, plus interest at the rate of 10% per annum from March 22, 2004 through the date the award is paid.
2. The claims involving Danny Shank, IRA are denied in their entirety.
3. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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	= \$225.00
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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. Accordingly, A.G. Edwards & Sons, Inc. is a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the 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 session with Panel @ \$750.00	= \$ 750.00
Pre-hearing conference: July 21, 2003 1 session	
Three (3) Hearing sessions @ \$750.00	= \$2,250.00
Hearing Date: March 18, 2004 3 sessions	
Total Forum Fees	= \$3,000.00

1. The Panel has assessed the forum fees totaling \$3,000.00 against Respondent.

Fee Summary

1. Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 225.00
Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 975.00
Refund Due to Claimants	= \$ 750.00

2. Respondent is solely liable for:

Member Fees	= \$3,550.00
<u>Forum Fees</u>	= \$3,000.00
Total Fees	= \$6,550.00
<u>Less payments</u>	= \$1,850.00
Balance Due NASD Dispute Resolution	= \$4,700.00

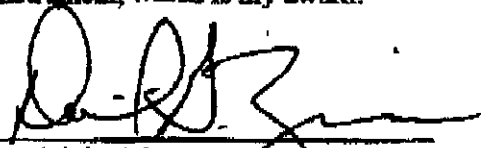
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Daniel G. Zeiser, Esq.	-	Public Arbitrator, Presiding Chair
Thomas H. Barnard, Jr., Esq.	-	Public Arbitrator
Gary R. Miles	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.



Daniel G. Zeiser, Esq.
Public Arbitrator, Presiding Chairperson

April 8, 2004

Signature Date

Thomas H. Barnard, Jr., Esq.
Public Arbitrator

Signature Date

Gary R. Miles
Non-Public Arbitrator

Signature Date

April 15, 2004

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

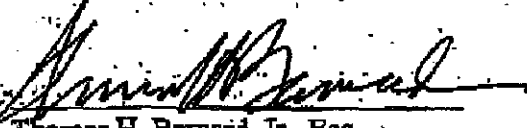
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Daniel G. Zeiser, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Thomas H. Barnard, Jr., Esq.
Public Arbitrator

4/8/04

Signature Date

Gary R. Miles
Non-Public Arbitrator

Signature Date

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

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Daniel G. Zeiser, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Thomas H. Barnard, Jr., Esq.
Public Arbitrator

Signature Date

G.R. Miles
Gary R. Miles
Non-Public Arbitrator

4-12-04
Signature Date

April 15, 2004

Date of Service (For NASD Dispute Resolution use only)