

Stipulated Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Sharon A. Flora

Case Number: 03-02430

Claimant,

v.

Hearing Site: St. Louis, Missouri

Park Avenue Securities, LLC,
Guardian Investor Services, LLC,
The Guardian Life Insurance Company,
S. Pat Parkin and Bruce D. Ward,

Respondents.

REPRESENTATION OF PARTIES

For Claimant Sharon A. Flora

Albert S. Watkins, Esq.
Kodner, Watkins, Muchnick & Dunne, L.C.
Old Town Executive Office Building
168 N. Meramec Ave., Suite 200
St. Louis, MO 63105-3758

For Respondents

Park Avenue Securities, LLC,
Guardian Investor Services, LLC
The Guardian Life Insurance Company

John C. Kelly, Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry St.
Newark, NJ 07102

For Respondent S. Pat Parkin

Jeffrey Jamieson, Esq.
Blackwell Sanders Peper Martin LLP
720 Olive St., 24th Floor
St. Louis, MO 63101

For Respondent Bruce D. Ward

David V. Clark, Esq.
Lathrop & Gage
2345 Grand Blvd., Suite 2800
Kansas City, MO 64108-2684

CASE INFORMATION

Statement of Claim filed on or about: April 4, 2003

Claimant signed the Uniform Submission Agreement: March 26, 2003

Statement of Answer and Motion to Compel a More Particular Statement filed by Respondents Park Avenue Securities, LLC ("Park Avenue") and Guardian Investor Services, LLC ("Guardian"):
July 22, 2003

Respondents Park Avenue Securities and Guardian jointly signed a Uniform Submission Agreement: July 22, 2003

Statement of Answer and Motion to Compel a More Particular Statement filed by Respondent S. Pat Parkin ("Parkin"): August 11, 2003

Respondent Parkin signed a Uniform Submission Agreement: August 7, 2003

Statement of Answer and Affirmative Defenses of Respondent Bruce D. Ward ("Ward") filed: July 21, 2003

Claimant's Response to Respondent Park Avenue and Guardian's Affirmative Defenses filed:
August 6, 2003

Claimant's Response to Respondents Park Avenue and Guardian's Motion to Compel a More Particular Statement of Claim filed: August 6, 2003

Claimant's Response to Respondent Ward's Affirmative Defenses filed: August 6, 2003

Claimant's Response to Respondent Parkin's Motion to Compel a More Particular Statement of Claim filed: August 12, 2003

CASE SUMMARY

Sharon A. Flora ("Claimant") alleged, *inter alia*, that Respondents S. Pat Parkin and Bruce D. Ward made unsuitable recommendations to her. The causes of action relate to the SEI ATM 80 Asset Allocation Portfolio, which Claimant alleged was unsuitable to her investment needs and objectives.

Respondents Park Avenue, Guardian, Parkin and Ward denied and continue to deny the allegations of wrongdoing set forth in the Statement of Claim and have asserted a number of affirmative defenses including, statutes of limitation, ratification, estoppel, waiver, comparative negligence, contributory negligence, assumption of risk, lack of causation and failure to mitigate damages.

Claimant and Respondents have reached a settlement of this case whereby they have agreed upon this Stipulated Award as part of that settlement which includes expungement of all reference to this matter from the registration records maintained by the NASD Central Registration Depository concerning Respondents, S. Pat Parkin and Bruce D. Ward.

The Guardian Life Insurance Company is not a member of the NASD and was not subject to the NASD's jurisdiction.

RELIEF REQUESTED

Claimant requested compensatory damages, punitive damages in the amount of \$308,287.23, plus interest, costs, attorneys' fees and other relief.

Respondents Park Securities, Guardian, Parkin and Ward requested dismissal of the Statement of Claim in its entirety, an award of their defense costs and other relief.

OTHER ISSUES CONSIDERED AND DECIDED

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

STIPULATION

It is hereby stipulated by Claimant and Respondents, through their undersigned attorneys of record, that:

1. The Statement of Claim and all claims asserted therein are hereby dismissed with prejudice; and
2. Claimants request that the Panel render the following award:

The Panel hereby recommends the expungement of all reference to the above captioned arbitration from the registration records maintained by the NASD Central Registration Depository ("CRD") concerning S. Pat Parkin and Bruce D. Ward, with the understanding that pursuant to NASD Notice to Members 99-90, said Respondents must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

AWARD

After considering the Stipulation, the Panel decided in full and final resolution of the issues submitted for determination as follows:

1. The Statement of Claim and all claims asserted therein are hereby dismissed with prejudice as against all Respondents.
2. The Panel recommends the expungement of all reference to this arbitration from the registration records maintained by the NASD Central

Registration Depository ("CRD") concerning S. Pat Parkin and Bruce D. Ward, with the understanding that pursuant to NASD Notice to Members 99-90, said Respondents must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

3. The Panel further directs that any remaining amounts owed by Claimant to the NASD over and above what Claimant has paid to the NASD as of August 24, 2004 shall be invoiced and paid as follows: 50% to Claimant Flora and 50% to Respondents Park Avenue, Guardian, Parkin and Ward, jointly and severally.
4. Except as otherwise specified herein, the parties shall each pay their own costs and attorneys' fees.
5. That any relief not specifically enumerated, including punitive damages, is hereby 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	= \$ 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 firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm 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 assesses forum fees for each hearing session conducted. A hearing 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 x \$1,125.00	= \$1,125.00
Pre-hearing conferences: January 23, 2004 1 session	
Total Forum Fees	= \$1,125.00

The parties have agreed to pay forum fees as follows:

1. Claimant shall pay 50% of the total forum fees in the amount of \$562.50; and
2. Respondents Park Avenue, Guardian, Parkin and Ward shall pay 50% of the total forum fees in the amount of \$562.50 jointly and severally.

FEES SUMMARY

1. Claimant, Sharon A. Flora, is hereby liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	<u>= \$ 562.50</u>
Total Fees	= \$ 862.50
<u>Less payments</u>	<u>= \$1,425.00</u>
Refund Due from NASD Dispute Resolution	= \$ 562.50

2. Respondent, Park Avenue Securities, LLC, is hereby solely liable for:

Member Fees	= \$5,200.00
<u>Less payments</u>	<u>= \$5,200.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondent, Guardian Investor Services, LLC, is hereby solely liable for:

Member Fees	= \$5,200.00
<u>Less payments</u>	<u>= \$5,200.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

5. Respondents, Park Avenue Securities, LLC, Guardian Investor Services, LLC, S. Pat Parkin and Bruce D. Ward are hereby jointly and severally liable for:

Forum Fees	= \$ 562.50
<u>Less payments</u>	<u>= \$ 562.50</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

All balances are due to NASD Dispute Resolution.

Parties' Signatures

Albert S. Watkins
Attorney for Claimant
Sharon A. Flora

Dated: _____

John C. Kelly, Esq.
Attorney for Respondents
Park Avenue Securities, LLC and
Guardian Investor Services, LLC

Dated: _____

Jeff Jamieson
Attorney for Respondent
S. Pat Parkin

Dated: _____

David V. Clark
Attorney for Respondent
Bruce D. Ward

Dated: _____

ARBITRATION PANEL

Charles A. Seigel, III, Esq.	-	Public Arbitrator, Presiding Chairperson
Alan A. Sachs	-	Public Arbitrator
Lawrence A. Goldberg, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/ Charles A. Seigel, III
Charles A. Seigel, III
Chair, Public Arbitrator

3/10/05
Signature Date

/s/ Alan A. Sachs
Alan A. Sachs
Public Arbitrator

3/18/05
Signature Date

/s/ Lawrence R. Goldberg
Lawrence R. Goldberg
Industry Arbitrator

3/10/05
Signature Date

3/21/05
Date of Service (For NASD Use Only)

NASD Dispute Resolution, Inc.
 Arbitration No. 03-02430
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John C. Kelly, Esq.
 Attorney for Respondents
 Park Avenue Securities, LLC and
 Guardian Investor Services, LLC

Dated: _____

Jeff Jamieson
 Attorney for Respondent
 S. Pat Parkin

Dated: _____

David V. Clark
 Attorney for Respondent
 Bruce D. Ward

Dated: _____

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Charles A. Seigel, III
 Chair, Public Arbitrator

3/10/05

 Signature Date

Alan A. Sachs
 Public Arbitrator

 Signature Date

Lawrence R. Goldberg
 Industry Arbitrator

 Signature Date

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John C. Kelly, Esq.
Attorney for Respondents
Park Avenue Securities, LLC and
Guardian Investor Services, LLC

Dated: _____

Jeff Jamieson
Attorney for Respondent
S. Pat Parkin

Dated: _____

David V. Clark
Attorney for Respondent
Bruce D. Ward

Dated: _____


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Chair, Public Arbitrator

Signature Date



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Public Arbitrator

3/18/05

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Award Page 6 of 6

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Attorney for Respondents
Park Avenue Securities, LLC and
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Attorney for Respondent
S. Pat Parkin

Dated: _____

David V. Clark
Attorney for Respondent
Bruce D. Ward

Dated: _____

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Chair, Public Arbitrator

Signature Date

Alan A. Sachs
Public Arbitrator

Signature Date



Lawrence R. Goldberg
Industry Arbitrator

3/10/05

Signature Date

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