

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
The Frazier Trust

Case Number: 03-02603

Names of the Respondents
A.G. Edwards & Sons, Inc.
Jeffrey Tyler Shaver
Fred Barton

Hearing Site: Atlanta, Georgia

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

REPRESENTATION OF PARTIES

For The Frazier Trust, hereinafter referred to as "Claimant": Don W. Johnson, Esq., The Johnson Law Firm, P.C., Fayetteville, Georgia.

For A.G. Edwards & Sons, Inc. ("Edwards"), Jeffrey Tyler Shaver ("Shaver") and Fred Barton ("Barton"), hereinafter collectively referred to as "Respondents": Matthew Salamon, Litigation Counsel, Edwards.

CASE INFORMATION

Statement of Claim filed on or about: April 3, 2003.

Claimant signed the Uniform Submission Agreement: May 22, 2003.

Statement of Answer filed by Respondents on or about: July 21, 2003.

Respondent Edwards signed the Uniform Submission Agreement: June 20, 2003.

Respondent Barton signed the Uniform Submission Agreement: August 7, 2003.

Respondent Shaver signed the Uniform Submission Agreement: July 14, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: breach of duty based upon a failure to provide adequate financial service; i.e., Respondents Edwards and Barton failed to adequately supervise their employees; claims for common law fraud based upon the fraudulent filing of Claimant's application; i.e., Respondent Shaver deceived his employers and supervisor in order to open Claimant's account; violation of Rule 10b.5 Reg. and 240. 10b-5, Manipulative and Deceptive Devices and Contrivances; violation of 1M-2310-2(s)(d), Fair Dealing With Customers; and, violation of Rule 731, Recommendation to Customers (Suitability). The causes of action relate to the purchase of the Van Kampen Birinyi Equity Select Trust Series 1, the Van Kampen Roaring 2000s Trust #8B and the Van Kampen Internet Growth Trust Focus Portfolio # 23A in Claimant's account.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimant requested actual damages of \$27,495.00, punitive damages of \$50,000.00, all of Claimant's costs, expenses, and disbursements, including reasonable attorneys' fees in processing this arbitration proceeding, and such other relief as the arbitration panel deemed just and proper.

Respondents requested that the Statement of Claim be dismissed with prejudice, that Respondents be awarded their costs, an award recommending the expungement of any reference to these proceedings from records maintained by the Central Registration Depository ("CRD") regarding Respondents Shaver and Barton, and 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.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the undersigned arbitrators (the "Panel") have decided in full and final resolution of the issues submitted for determination as follows:

Respondents are found liable on the claims of unsuitability-NASD Conduct Rule 2310-2-(5) and supervision, failure to do so-NASD Conduct Rule 3010. As such, Respondents are liable and shall pay to Claimant damages as follows:

Respondent Edwards shall pay to Claimant the sum of \$6,874.00;
Respondent Barton shall pay to Claimant the sum of \$6,874.00; and,
Respondent Shaver shall pay to Claimant the sum of \$2,749.00.

The parties' requests for attorneys' fees are denied.

Any and all claims for relief not specifically addressed herein, including Claimant's request for punitive damages and Respondents' request for expungement, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

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

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred in this matter.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

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 the Panel @ \$750.00	= \$750.00
Pre-hearing conference: November 7, 2003 1 session	
Two (2) Hearing sessions @ \$750.00	= \$1,500.00
Hearing Date: August 24, 2004 2 sessions	
Total Forum Fees	= \$2,250.00

The Panel has assessed the total forum fees of \$2,250.00 to Respondent Edwards.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred in this matter.

FEE SUMMARY

Claimant is solely liable for:

Initial Filing Fee = \$225.00

Total Fees = \$225.00

Less payments = \$225.00

Balance Due NASD Dispute Resolution = \$0.00

Respondent Edwards is solely liable for:

Member Fees = \$3,550.00

Forum Fees = \$2,250.00

Total Fees = \$5,800.00

Less payments = \$3,550.00

Balance Due NASD Dispute Resolution = \$2,250.00

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

ARBITRATION PANEL

N. John Garcia	-	Public Arbitrator, Presiding Chair
Sonia Fishkin, Esq.	-	Public Arbitrator
Laree Payne Kennedy	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____/S/_____
N. John Garcia
Public Arbitrator, Presiding Chair

Signature Date

Sonia Fishkin, Esq.
Public Arbitrator

Signature Date

/S/
Laree Payne Kennedy
Non-Public Arbitrator

Signature Date

September 10, 2004
Date of Service (For NASD Dispute Resolution office use only)

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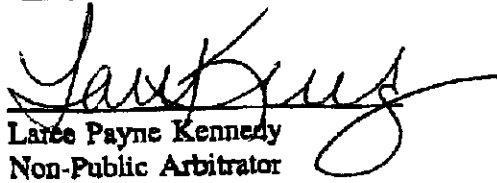

N. John Garcia
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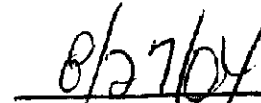
5/27/04
Signature Date

Sonia Fishkin, Esq.
Public Arbitrator

Signature Date

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Larce Payne Kennedy
Non-Public Arbitrator


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Sonia Fishkin, Esq.

Larce Payne Kennedy

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Public Arbitrator

Non-Public Arbitrator

Concurring Arbitrators' Signatures

N. John Garcia

Public Arbitrator, Presiding Chair



Sonia Fishkin, Esq.

Public Arbitrator

Signature Date



Signature Date