

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Estate of Almer L. Anderson
Claimant

Case Number: 03-02782

Stifel Nicolas & Co. and
Robert S. Omelina, Jr.
Respondents

Hearing Site: Milwaukee, Wisconsin

TYPE OF CONTROVERSY

Customer v. Member Firm and Associated Person

REPRESENTATION OF PARTIES

Claimant was represented by Stephen L. Morgan, Esq., located in Madison, Wisconsin.

Respondents Stifel Nicolaus & Co., Inc. and Robert S. Omelina were represented by Carrie J. Bechtold of the firm Blackwell Sanders Peper Martin, LLP located in St. Louis, Missouri.

CASE INFORMATION

The Statement of Claim was filed on or about April 15, 2003.

Claimant signed the Uniform Submission Agreement on or about April 11, 2003.

Respondent Stifel Nicolaus and Robert Omelina filed their Statement of Answer on December 29, 2003. Stifel and Omelina each signed the Uniform Submission Agreement on November 3, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty, failure to supervise, and unsuitability. The causes of action relate to various securities in Claimant's account.

Unless specifically admitted in their answer, Respondents denied the allegations made in the Statement of Claim and asserted that Claimant authorized and assumed all market risks in connection with each purchase and sale, and that the allocation of the accounts at

issue was suitable and consistent with Claimant's stated investment objectives, goals, investment experience, and risk tolerance.

RELIEF REQUESTED

Claimant requested \$612,692.00 as compensatory damages and unspecified amounts in interest, attorney's fees, and costs. Claimant also requested the return of all commissions paid and punitive damages.

Respondents requested that Claimant's causes of action be denied and that Respondents be awarded their costs, and any other further relief that the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant informed NASD Dispute Resolution that the matter had been fully settled, resolved and compromised. The parties have stipulated and agreed that the Panel enter an order and/or award requesting the expungement of any references of this matter from the NASD Central Registration Depository ("CRD") record of Robert S. Omelina.

The parties have further stipulated and 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 stipulations of the parties, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims against Respondents Stifel, Nicolaus & Co., Inc., and Robert S. Omelina, Jr. are hereby dismissed with prejudice.
2. Each party shall bear their respective costs, including attorney's fees.
3. The Panel recommends the expungement of any references to the above-captioned arbitration from Robert S. Omelina Jr.'s registration records maintained by the CRD, with the understanding that, pursuant to NASD Notice of Members 99-09, confirmation of this Award must be obtained from a court of competent jurisdiction before the CRD will execute the expungement directive.
4. Any and all relief not specifically addressed herein, including punitive damages, is denied and all claims are dismissed with prejudice.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fee for each claim:

Initial claim filing fee: =\$ 375.00

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, Stifel is assessed the following fees:

Member surcharge	= \$2,250.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$4,000.00

Adjournment Fees

Pursuant to 10332(f) of the Code, NASD will retain the hearing session deposit for any claim if it is settled within 8 days of the first scheduled hearing date. NASD will retain the hearing session deposit filed by Claimant.

Pursuant to 10319 of the Code, NASD will pay each arbitrator a \$100.00 late cancellation fee, which is charged to the parties.

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:

Two (2) Pre-hearing conferences with the Panel at \$1,200.00	= \$2,400.00
Pre-hearing conference date: March 25, 2004	
September 24, 2004	
<hr/> Total Forum Fees	<hr/> = \$ 2,400.00

The Panel has assessed \$1,200.00 of the forum fees to Claimant and \$1,200.00 of the forum fees to Respondents jointly and severally.

FEE SUMMARY

Claimant Estate of Almer L. Anderson is solely liable for:

Filing fee	= \$ 375.00
Forum fee	= \$ 1,200.00
<u>Late Cancellation Fee</u>	<u>= \$ 100.00</u>
Total fees	= \$ 1,675.00
<u>Less payments</u>	<u>= \$1,675.00</u>
Total amount due to NASD Dispute Resolution	= \$ 00.00

Respondent Stifel Nicolaus & Co., Inc., is solely liable for:

<u>Member fees</u>	<u>= \$7,000.00</u>
<u>Late cancellation fees</u>	<u>= \$ 100.00</u>

Total fees	= \$ 7,100.00
<u>Less payments</u>	<u>= \$ 7,100.00</u>
Total amount due to NASD Dispute Resolution	= \$ 0.00

Respondents Stifel Nicolaus and Robert S. Omelina, Jr. are jointly and severally liable for:

Forum fees	= \$ 1,200.00
Total fees	= \$ 1,200.00
<u>Less payments</u>	<u>= \$ 1,200.00</u>
Total amount due to NASD Dispute Resolution	= \$ 0.00

Respondent Robert S. Omelina, is liable for:

Late cancellation fee	= \$100.00
<u>Less payment</u>	<u>= \$100.00</u>
Total amount due to NASD Dispute Resolution	= \$ 00

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

ARBITRATION PANEL

William B. Ross	-	Public Arbitrator, Presiding Chairperson
Mark E. Sanders	-	Public Arbitrator
Robert W. Haggarty	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/ William B. Ross
William B. Ross
Public Arbitrator, Presiding Chairperson

Signature Date

Mark E. Sanders
Public Arbitrator

Signature Date

/s/ Robert W. Haggarty
Robert W. Haggarty
Non-Public Arbitrator

Signature Date

10/27/05
Date of Service (For NASD Dispute Resolution Office use only)

NASD Dispute Resolution
Arbitration No. 03-02782
Award Page 4 of 4

Total fees	= \$ 7,100.00
<u>Less payments</u>	= \$ 7,100.00
Total amount due to NASD Dispute Resolution	= \$ 0.00

Respondents Stifel Nicolaus and Robert S. Omelina, Jr. are jointly and severally liable for:

Forum fees	= \$ 1,200.00
Total fees	= \$ 1,200.00
<u>Less payments</u>	= \$ 1,200.00
Total amount due to NASD Dispute Resolution	= \$ 0.00

Respondent Robert S. Omelina, is liable for:

Late cancellation fee	= \$100.00
<u>Less payment</u>	= \$100.00
Total amount due to NASD Dispute Resolution	= \$ 00

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William B. Ross

William B. Ross
Public Arbitrator, Presiding Chairperson

10/26/2005
Signature Date

Mark E. Sanders
Public Arbitrator

Signature Date

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Non-Public Arbitrator

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Total fees	= \$ 1,200.00
Less payments	= \$ 1,200.00
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Respondent Robert S. Omelina, is liable for:

Late cancellation fee	= \$100.00
Less payment	= \$100.00
Total amount due to NASD Dispute Resolution	= \$ 00

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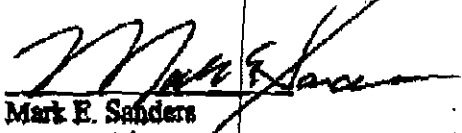
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Public Arbitrator, Presiding Chairperson

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Public Arbitrator

10/27/2005
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Total fees	= \$ 1,200.00
<u>Less payments</u>	= \$ 1,200.00
Total amount due to NASD Dispute Resolution	= \$ 0.00

Respondent Robert S. Omelina, is liable for:

Late cancellation fee	= \$100.00
<u>Less payment</u>	= \$100.00
Total amount due to NASD Dispute Resolution	= \$ 00

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Public Arbitrator, Presiding Chairperson

Signature Date

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Public Arbitrator

Signature Date


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Non-Public Arbitrator

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