
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Phyllis Meilton

Case Number: 03-03348

Names of the Respondents
WM Financial Services, Inc.
Todd S. Rozzo

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Phyllis Meilton, hereinafter referred to as "Claimant": James E. Miller, Esq. and Scott R. Shepard, Esq., Shepard, Finkelman, Miller & Shah, LLC, Chester, Connecticut.

For WM Financial Services, Inc. ("WM") and Todd S. Rozzo ("Rozzo"), hereinafter collectively referred to as "Respondents": Jonathan S. Robbins, Esq., Akerman Senterfitt & Edison, P.A., Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed on or about: May 7, 2003.

Claimant signed the Uniform Submission Agreement: May 15, 2003.

Statement of Answer filed by Respondents on or about: August 28, 2003.

Respondent WM signed the Uniform Submission Agreement: August 28, 2003.

Respondent Rozzo signed the Uniform Submission Agreement: August 28, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: fraud; unsuitable investments; intentional and negligent misrepresentation; breach of fiduciary duties; breach of contract; failure to supervise; unjust enrichment/quantum meruit; intentional and/or negligent infliction of emotional distress; negligence; and, violations of federal and state securities laws. The causes of action relate to Claimant's investments in WM Growth Fund Variable Annuity and WM Strategic Asset Manager Variable Annuity.

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

RELIEF REQUESTED

Claimant requested total compensatory damages in an amount in excess of \$700,000.00, plus prejudgment interest on all compensatory damages, punitive damages in an amount in excess of \$1,000,000.00, a mandatory injunction ordering Respondents to cease and desist from their

unlawful activity, attorneys' fees and costs of the suit as authorized by applicable law or at the Panel's discretion, and such other relief as the Panel deemed just and proper.

Respondent requested that the Panel enter an award dismissing Claimant's claims in their entirety and that an award of attorneys' fees and costs be rendered in Respondents favor, together with such other and further relief the Panel deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about March 9, 2005, Claimant notified NASD Dispute Resolution that this matter had been settled.

On or about March 18, 2005 the parties filed a proposed Stipulated Award with a request that the Panel recommend the expungement of this matter from Respondent Rozzo's NASD Central Registration Depository ("CRD") records.

On or about March 30, 2005, Claimant filed with NASD Dispute Resolution, a notice of voluntary dismissal of all claims in this matter with prejudice.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, the proposed Stipulated Award and the record in this matter, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's dismissal of her claims against Respondents, with prejudice is accepted and Respondents are dismissed from this matter.

The Panel recommends the expungement of all references to the above captioned arbitration from Respondent Rozzo's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Rozzo must obtain confirmation from a court of competent jurisdiction before the NASD CRD will execute the expungement directive.

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	= \$ 500.00
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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 WM Financial Services, Inc. is a party.

Member surcharge	= \$2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00

Adjournment Fees

Adjournment granted during these proceedings for which fees were assessed:

August 25-30, 2004 joint mediation adjournment	= \$1,200.00
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No adjournment fee assessed pursuant to Rule 10403 of the Code.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No three-day cancellation 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 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 the Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: January 7, 2004 1 session	
Total Forum Fees	= \$1,200.00

The Panel has assessed \$600.00 of the forum fees to Claimant.

The Panel has assessed \$600.00 of the forum fees jointly and severally to Respondents.

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.

The Panel has assessed the total administrative costs of \$15.00 to Claimant.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 500.00
Forum Fees	= \$ 600.00
Administrative Costs	= \$ 15.00
Total Fees	= \$ 1,115.00
<u>Less payments</u>	<u>= \$ 1,115.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent WM is solely liable for:

Member Fees	= \$8,550.00
Total Fees	= \$8,550.00
<u>Less payments</u>	<u>= \$8,550.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

<u>Forum Fees</u>	<u>= \$ 600.00</u>
Total Fees	= \$ 600.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$ 600.00

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

ARBITRATION PANEL

Gloria O. North, Esq.	-	Public Arbitrator, Presiding Chairperson
Sherry Puro	-	Public Arbitrator
Ken Ziesenheim, JD	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

04/01/05

Gloria O. North, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

/s/

04/06/05

Sherry Puro
Public Arbitrator

Signature Date

/s/

03/31/05

Ken Ziesenheim, JD
Non-Public Arbitrator

Signature Date

04/08/2005

Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 03-03348
Stipulated Award Page 5

Concurring Arbitrators' Signatures

Gloria O. North
Gloria O. North, Esq.
Public Arbitrator, Presiding Chairperson

4-1-05
Signature Date

Sherry Puro
Public Arbitrator

Signature Date

Ken Ziesenheim, JD
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Gloria O. North, Esq.
Public Arbitrator, Presiding Chairperson

Sherry Puyo
Sherry Puyo
Public Arbitrator

Ken Ziesenheim, JD
Non-Public Arbitrator

Signature Date

4/6/05
Signature Date

Signature Date

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NASD Dispute Resolution
Arbitration No. 03-03348
Stipulated Award Page 5

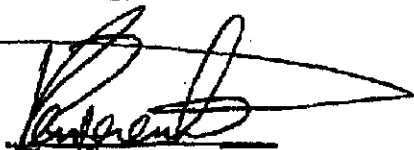
Concurring Arbitrators' Signatures

Gloria O. North, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Sherry Puro
Public Arbitrator

Signature Date



Ken Ziesenheim, JD
Non-Public Arbitrator



Signature Date

Date of Service (For NASD Dispute Resolution office use only)