

**STIPULATED AWARD  
NASD Dispute Resolution**

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In the Matter of the Arbitration Between

Name of Claimant

Esmerelda Vega

and

Case Number: 03-03396  
Hearing Site: Detroit, Michigan

Names of Respondents

Edward D. Jones & Co. and  
Gary Martin

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**NATURE OF CASE**

Customer v. Member and Associated Person

**REPRESENTATION OF PARTIES**

Esmerelda Vega ("Claimant") was represented by Maureen Cajoux, Esq., Hooper & Weiss, LLC, Orlando, Florida.

Edward D. Jones & Co. and Gary Martin, hereinafter referred to as "Respondents," were represented by Angela Emmerling Bufford, Esq., Butzel Long, Bloomfield Hills, Michigan.

**CASE INFORMATION**

The Statement of Claim was filed on or about May 8, 2003. The Submission Agreement of Claimant Esmerelda Vega was signed on or about March 26, 2003.

Statement of Answer was filed jointly by Respondents on or about July 7, 2003. The Submission Agreement of Respondent Edward D. Jones & Co. was signed on or about May 23, 2003. The Submission Agreement of Respondent Gary Martin was signed on or about June 2, 2003.

**CASE SUMMARY**

Claimant asserted the following causes of action: Claimant alleged that Respondents recommended high-risk and unsuitable investments in various unspecified securities resulting in financial losses to Claimant's account, and that respondents made excessive trades in Claimant's account.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: all recommended investments were suitable for an investor of Claimant's age, background and financial condition, that the account statements reveal no excessive trading, and that Claimant's account was a self-directed, nondiscretionary account.

### **RELIEF REQUESTED**

Claimant requested an award in the amount of \$39,726.21, plus interest, costs, actual attorneys' fees, exemplary and punitive damages.

Respondents requested dismissal of the claims with prejudice and expungement of these claims from Respondent Martin's CRD record.

### **OTHER ISSUES CONSIDERED & DECIDED**

The parties have resolved their dispute by settlement, Claimant has agreed to withdraw her claims, and the parties have further agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution (the "NASD").

### **AWARD**

After considering the parties' submissions and representations, but without making any findings of fact or conclusions of law, the undersigned arbitrators order as follows:

- 1.) Claimant's claims, having been withdrawn, are dismissed with prejudice;
- 2.) The panel recommends the expungement of all reference to the above captioned arbitration from Respondent Gary Martin's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Gary Martin must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive; and
- 3.) Any relief not specifically enumerated, including punitive damages and attorney fees, is hereby denied 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 fees for each claim:

Initial claim filing fee = \$ 175.00

#### **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. In this matter, the member firm is Edward D. Jones & Co.

Member surcharge = \$ 875.00  
Pre-hearing process fee = \$ 750.00  
Hearing process fee = \$1,000.00

#### **Forum Fees and Assessments**

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing 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:

Two (2) Pre-hearing sessions with a single arbitrator x \$450.00 = \$ 900.00  
Pre-hearing conferences: December 17, 2003 1 session  
January 9, 2004 1 session  
  
One (1) Pre-hearing session with Panel x \$600.00 = \$ 600.00  
Pre-hearing conference: October 27, 2003 1 session  

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Total Forum Fees = \$1,500.00

The Arbitration Panel has assessed \$1,200.00 of the forum fees to Esmerelda Vega.  
The Arbitration Panel has assessed \$300.00 of the forum fees jointly and severally to Edward D. Jones & Co. and Gary Martin.

### **Fee Summary**

Claimant, Esmerelda Vega, is liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$1,200.00
Total Fees	= \$1,375.00
Less payments	= \$ 775.00
Balance Due NASD Dispute Resolution	= \$ 600.00

Respondent, Edward D. Jones & Co., is liable for:

Member Fees	= \$2,625.00
Total Fees	= \$2,625.00
Less payments	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents, Edward D. Jones & Co. and Gary Martin, are jointly and severally liable for:

Forum Fees	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 300.00

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

**ARBITRATION PANEL**

Kenneth J. Safran, Esq. - Public, Presiding Chair  
Walter H. Clements, Esq. - Public Arbitrator  
Bruce F. Coleman - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Kenneth J. Safran, Esq.  
Kenneth J. Safran, Esq.  
Public Arbitrator, Presiding Chair

04/01/04  
Signature Date

/s/ Walter H. Clements, Esq.  
Walter H. Clements, Esq.  
Public Arbitrator

03/31/04  
Signature Date

/s/ Bruce F. Coleman  
Bruce F. Coleman  
Non-Public Arbitrator

04/01/04  
Signature Date

04/01/04  
Date of Service (For NASD office use only)

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Bruce F. Coleman - Non-Public Arbitrator

Concurring Arbitrators:

  
Kenneth J. Safran, Esq.  
Public Arbitrator, Presiding Chair

April 1, 2004  
Signature Date

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Walter H. Clements, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

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Bruce F. Coleman  
Non-Public Arbitrator

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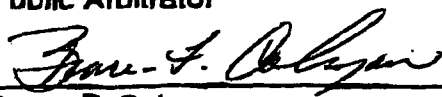
Concurring Arbitrators:

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Public Arbitrator, Presiding Chair

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Signature Date

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Walter H. Clements, Esq.  
Public Arbitrator

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Signature Date

  
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Bruce F. Coleman  
Non-Public Arbitrator

4/1/04  
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Signature Date

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Walter H. Clements, Esq. - Public Arbitrator  
Bruce F. Coleman - Non-Public Arbitrator

Concurring Arbitrators:

Kenneth J. Safran, Esq.  
Public Arbitrator, Presiding Chair

  
Walter H. Clements, Esq.  
Public Arbitrator

Signature Date

3-31-04  
Signature Date

Bruce F. Coleman  
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)