

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Names of the Claimants

Mary Mack
Richard Mack

Case Number: 03-03696

Names of the Respondents

American Express Financial Advisors, Inc.
Peter A. Ramsay

Hearing Site: Richmond, VA

Nature of the Dispute: Customers v. Member and Associated Person.

REPRESENTATION OF PARTIES

Claimants, Mary Mack and Richard Mack, hereinafter collectively referred to as "Claimants", were represented by Emerson R. Marks, Jr., Esq., Attorney at Law, Charlottesville, Virginia.

Respondents, American Express Financial Advisors, Inc. ("American Express") and Peter A. Ramsay ("Ramsay"), hereinafter collectively referred to as "Respondents", were represented by Gary R. Irwin, Esq. and David Himes, Esq., Law Offices of Nash, Edgerton & Irwin, LLC, Minneapolis, Minnesota.

CASE INFORMATION

Statement of Claim filed on May 20, 2003.

Claimants signed the Uniform Submission Agreement on May 15, 2003.

Statement of Answer filed on July 18, 2003.

A representative of Respondent American Express signed the Uniform Submission Agreement on June 10, 2003.

Respondent Ramsay signed the Uniform Submission Agreement on June 13, 2003.

Reply to Statement of Answer filed by Claimants on November 26, 2003.

CASE SUMMARY

Claimants asserted the following causes of action, among others: suitability, fraud, misrepresentation, breach of contract, negligence, violation of NASD Conduct Rules, negligent supervision, and breach of fiduciary duty. The causes of action relate to the purchase and sale of various mutual funds and other unspecified securities.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses, among others: Claimants' claims are

barred by the doctrines of estoppel, waiver, laches and ratification; contributory negligence; failure to mitigate damages; Claimants' claims are barred by the statute of limitations; and failure to state a claim upon which relief may be granted.

RELIEF REQUESTED

Claimants requested:

Compensatory Damages	\$ 110,800.00
Punitive Damages	amount unspecified
Interest	amount unspecified
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondents requested that the Statement of Claim be dismissed in its entirety and that all costs of the arbitration be assessed against Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing on the merits, Respondents made an oral Motion for Summary Judgment. The Arbitration Panel (the "Panel") denied the motion.

The parties 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, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents are jointly and severally liable to and shall pay to Claimants the sum of \$24,000.00 in compensatory damages, plus simple interest at a rate of 9% per annum accruing from date of the award until the award is paid in full;
2. The parties shall bear their respective costs except as awarded above and as Fees are specifically addressed below; and,
3. Any and all relief not specifically addressed herein, including punitive damages, is denied in its entirety.

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

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, Respondent American Express 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 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 a single arbitrator @ \$ 450.00 = \$ 450.00
Pre-hearing conference: April 2, 2004 1 session

One (1) Pre-hearing session with Panel @ \$ 1,125.00 = \$ 1,125.00
Pre-hearing conference: December 8, 2003 1 session

Four (4) Hearing sessions @ \$ 1,125.00 = \$ 4,500.00
Hearing Dates: June 23, 2004 2 sessions
June 24, 2004 2 sessions

Total Forum Fees = \$ 6,075.00

1. The Panel has assessed \$ 1,012.50 of the forum fees to Claimants.
2. The Panel has assessed \$ 5,062.50 of the forum fees jointly and severally to Respondents.

Fee Summary

1. Claimants are assessed and shall pay:

Initial Filing Fee = \$ 300.00
Forum Fees = \$ 1,012.50
Total Fees = \$ 1,312.50
Less payments = \$ 1,425.00
Refund owed Claimant = \$ 112.50

2. Respondent American Express is assessed and shall pay:

Member Fees = \$ 5,200.00
Total Fees = \$ 5,200.00
Less payments = \$ 5,200.00
Balance Due NASD Dispute Resolution = \$ 0.00

3. Respondents are jointly and severally assessed and shall pay:

Forum Fees	= \$ 5,062.50
Total Fees	= \$ 5,062.50
Less payments	= \$ 2,750.00
Balance Due NASD Dispute Resolution	= \$ 2,312.50

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

ARBITRATION PANEL

Chris J. Conanan, Esq.	-	Public Arbitrator, Presiding Chairperson
Jayne W. Barnard, Esq.	-	Public Arbitrator, Panelist
John D. Robb	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Chris J. Conanan, Esq.
Public Arbitrator, Presiding Chairperson

6/29/04
Signature Date

Jayne W. Barnard, Esq.
Public Arbitrator, Panelist

Signature Date

John D. Robb
Non-Public Arbitrator, Panelist

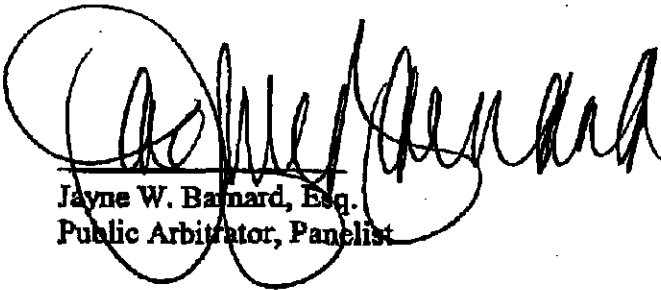
Signature Date

June 30, 2004
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Chris J. Conanan, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date


Jayne W. Barnard, Esq.
Public Arbitrator, Panelist

6/26/04
Signature Date

John D. Robb
Non-Public Arbitrator, Panelist


Signature Date

June 30, 2004
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Chris J. Conanan, Esq.
Public Arbitrator, Presiding Chairperson

Jayne W. Barnard, Esq.
Public Arbitrator, Panelist



John D. Robb
Non-Public Arbitrator, Panelist

June 30, 2004
Date of Service (For NASD Dispute Resolution office use only)

Signature Date

Signature Date

June 26, 2004
Signature Date