

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Roderick F. Guinn, individually and as beneficial owner of the Roderick F. Guinn IRA Rollover Account, Claimant v. Patricia Meidell, Associated Securities Corp., and Associated Planners Investment Advisory, Inc., Respondents

Case Number: 03-04937

Hearing Site: Reno, Nevada

Nature of the Dispute: Customer v. Member, Non-Member, and Associated Person

REPRESENTATION OF PARTIES

For Claimant:

David W. Studley, Esq.
Law Office of David Studley
San Andreas, California

For Respondents:

Scott J. Ivy, Esq.
Musick, Peeler & Garrett
LLP
Los Angeles, California

CASE INFORMATION

Statement of Claim filed: July 7, 2003

Claimant's Uniform Submission Agreement signed: July 3, 2003

Joint Statement of Answer filed by Respondents: September 22, 2003

Respondent Patricia F. Meidell's Uniform Submission Agreement signed: July 29, 2003

Respondent Associated Securities Corp.'s Uniform Submission Agreement signed: September 10, 2003

Respondent Associated Planners Investment Advisory, Inc.'s Uniform Submission Agreement signed: November 3, 2003

CASE SUMMARY

Claimant alleged breach of fiduciary duty, breach of contract, negligence, common law fraud, state securities fraud, respondeat superior and control person liability. Claimant's allegations involved the Ivy International Fund, Putnam International Opportunity Fund, Templeton Foreign Fund and unspecified real estate investment trusts.

Respondents denied the allegations of wrongdoing set forth in Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$176,653.00 in compensatory damages, benefit of the bargain damages, rescissionary damages, lost opportunity costs, model portfolio damages, punitive damages, pre-judgment interest, costs, and attorney's fees.

Respondents requested dismissal of Claimant's Statement of Claim in its entirety and expungement of all reference to the above captioned arbitration from Respondent Patricia Meidell's registration records maintained by the NASD Central Registration Depository.

OTHER ISSUES CONSIDERED AND DECIDED

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

- 1) All claims against Respondent Associated Planners Investment Advisory, Inc. are denied.
- 2) Respondent Patricia Meidell is liable to and shall pay Claimant Roderick Guinn the sum of \$27,256.07 in compensatory damages, which represents a return of the commissions Mr. Guinn paid to Ms. Meidell during the non-discretionary period of the account.
- 3) Respondent Associated Securities Corp. is liable to and shall pay Claimant Roderick Guinn \$300.00 as reimbursement for the claim filing fee that Claimant paid to NASD Dispute Resolution.
- 4) With the exception of paragraph 2, the parties shall bear their respective costs, including attorney's fees.
- 5) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 300.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Associated Securities Corp. is a party, and the following fees are assessed:

Member Surcharge	= \$1,700.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair or the parties and the Panel. The following fees are assessed:

1 Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$1,125.00
Pre-hearing conferences: January 26, 2004	1 session
6 Hearing sessions @ \$1,125.00/session	= \$6,750.00
Hearings: July 13, 2004	3 sessions
July 14, 2004	3 sessions
Total Forum Fees	= \$7,875.00

The Panel assessed \$7,875.00 of the forum fees to Respondent Associated Securities Corp.

Fee Summary

1. Claimant, Roderick Guinn, is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Less payments	= \$(1,425.00)
Refund Due Claimant	= \$(1,125.00)

2. Respondent Associated Securities Corp. is charged with the following fees and costs:

Member Fees	=\$ 5,200.00
Forum Fees	=\$ 7,875.00
Total Fees	=\$13,075.00
Less payments	=\$ (5,200.00)
Balance Due NASD Dispute Resolution	=\$ 7,875.00

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

ARBITRATION PANEL

Robert F. Saint-Aubin, Esq.
John A. Bender, Jr., Esq.
Barry Mainardi

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Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures



Robert F. Saint-Aubin, Esq.
Chair, Public Arbitrator

7-20-04
Signature Date

John A. Bender, Jr., Esq.
Public Arbitrator

Signature Date

Barry Mainardi
Non-Public Arbitrator

Signature Date

7/21/04
Date of Service

NASD Dispute Resolution
Arbitration No. 03-04937
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Robert F. Saint-Aubin, Esq.	-	Public Arbitrator, Presiding Chair
John A. Bender, Jr., Esq.	-	Public Arbitrator
Barry Mainardi	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Robert F. Saint-Aubin, Esq.
Chair, Public Arbitrator

Signature Date


John A. Bender, Jr., Esq.
Public Arbitrator

21 July 04
Signature Date

Barry Mainardi
Non-Public Arbitrator

Signature Date

7/21/04
Date of Service

NASD Dispute Resolution
Arbitration No. 03-04937
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Non-Public Arbitrator

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Signature Date

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Signature Date


Barry Mainardi
Non-Public Arbitrator

7-21-04
Signature Date

7/21/04
Date of Service