
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants
Herbert Carrington, Sr.
Herbert Carrington, Jr.

Case Number: 03-05480

Name of the Respondent
The Huntington Investment Company

Hearing Site: Tampa, FL

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

For Herbert Carrington, Sr. and Herbert Carrington, Jr., hereinafter collectively referred to as "Claimants": Joseph A. Probasco, Esq., Mark A. Basurto, Esq., and Jeffery A. Froeschle, Esq., Bush Ross Gardner Warren & Rudy, P.A., Tampa, FL.

For The Huntington Investment Company ("HIC"), hereinafter referred to as "Respondent": Douglas R. Jennings, Esq., Carlile Patchen & Murphy LLP, Columbus, OH.

CASE INFORMATION

Statement of Claim filed on or about: July 25, 2003.

Amended Statement of Claim filed on or about: August 20, 2004.

Claimants signed the Uniform Submission Agreement: July 23, 2003.

Statement of Answer filed by Respondent on or about: October 10, 2003.

Amended Statement of Answer filed by Respondent on or about: August 30, 2004.

Respondent signed the Uniform Submission Agreement: October 3, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: unsuitable recommendations; breach of fiduciary duty; breach of Florida Statutes §517.301; and, failure to supervise. The causes of action relate to the purchase of shares of AIM Charter Class B Mutual Fund shares in Claimants' account.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested compensatory damages of \$43,611.39, pre-judgment interest at the statutory rate, costs, attorneys' fees, punitive damages, and such other relief as the undersigned arbitrators (the "Panel") find appropriate under the circumstances.

Respondent requested dismissal of the Statement of Claim, expungement, and that Claimants be required to pay all filing fees and forum fees.

OTHER ISSUES CONSIDERED AND DECIDED

During the July 13, 2004 Pre-hearing Conference, Claimants made an ore tenus motion to amend the Statement of Claim. The Panel granted the motion.

On or about March 12, 2004, Claimants requested that the forum fees associated with the evidentiary hearing conducted on March 9 and 10, 2004 be waived. On or about March 23, 2004, Respondent also requested that the forum fees be waived. On or about July 13, 2004, the Panel entered an order which granted Claimants' motion and waived the forum fees associated with the March 9 and 10, 2004 evidentiary hearing.

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, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Respondent is liable for an unsuitable recommendation, breach of Florida Statutes §517.301, and failure to supervise and shall pay to Claimants compensatory damages in the sum of \$39,149.00 plus pre-judgment interest in the sum of \$14,241.00 which accrued from April 6, 2000 through August 16, 2001.

Respondent is liable and shall pay to Claimants reasonable attorneys' fees in an amount to be determined by a court of competent jurisdiction pursuant to Florida Statutes §517.301.

Any and all claims for relief not specifically addressed herein, including Claimants' request for punitive damages and Respondent's request for expungement, are denied.

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 = \$ 175.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, HIC is a member firm and a party.

Member surcharge = \$ 875.00
Pre-hearing process fee = \$ 750.00

Hearing process fee = \$1,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were granted during these proceedings for which fees were assessed.

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 assessed during these proceedings.

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 assessed during these proceedings.

Forum Fees and Assessments

The Arbitrator (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:

Two (2) Pre-hearing sessions with a single arbitrator @ \$450.00	= \$ 900.00
Pre-hearing conferences: December 1, 2003	1 session
February 18, 2004	1 session
One (1) Pre-hearing session with the Panel @ \$600.00	= \$ 600.00
Pre-hearing conference: July 13, 2004	1 session
Four (4) Hearing sessions with a single arbitrator @ \$450.00	= \$1,800.00
Hearing Dates: March 9, 2004	3 sessions
March 10, 2004	1 session
Six (6) Hearing sessions the Panel @ \$600.00	= \$3,600.00
Hearing Dates: January 11, 2005	2 sessions
January 12, 2005	2 sessions
January 13, 2005	2 sessions
Total Forum Fees	= \$6,900.00

The Panel waived \$1,800.00 of the forum fees.

The Panel has assessed the remaining forum fees of \$5,100.00 to Respondent.

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 not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during this proceeding.

Fee Summary

Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 175.00
<u>Total Fees</u>	= \$ 175.00
<u>Less payments</u>	= \$ 175.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent is solely liable for:

<u>Member Fees</u>	= \$ 2,625.00
<u>Forum Fees</u>	= \$ 5,100.00
<u>Total Fees</u>	= \$ 7,725.00
<u>Less payments</u>	= \$ 2,625.00
Balance Due NASD Dispute Resolution	= \$ 5,100.00

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

ARBITRATION PANEL

Philip C. Bennett, CPA	-	Public Arbitrator, Presiding Chairperson
Geoffrey Paul Nuckolls, CPA	-	Public Arbitrator
George E. Bouse	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____/s/
Philip C. Bennett, CPA
Public Arbitrator, Presiding Chairperson

Signature Date

_____/s/
Geoffrey Paul Nuckolls, CPA
Public Arbitrator

Signature Date

/s/

George E. Bouse
Non-Public Arbitrator

Signature Date

January 21, 2005

Date of Service (For NASD Dispute Resolution use only)

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Arbitration No. 03-05480

Award Page 4 of 5**Administrative Costs**

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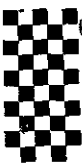
Concurring Arbitrators' Signatures


Philip C. Bennett, CPA
Public Arbitrator, Presiding Chairperson

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Signature Date

Geoffrey Paul Nuckolls, CPA
Public Arbitrator

Signature Date



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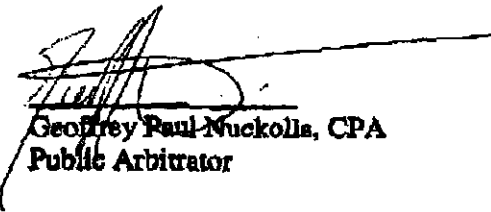
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Philip C. Bennett, CPA
Public Arbitrator, Presiding Chairperson

Signature Date


Geoffrey Paul Nuckolls, CPA
Public Arbitrator

1/19/05
Signature Date

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Arbitration No. 03-05480

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George E. Bouce
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Non-Public Arbitrator

1/19/05
Signature Date

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