
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Rhoda Stern

Case Number: 03-06320

Names of the Respondents

A. G. Edwards & Sons, Inc.

Irene J. Barouh

Alan Neal Weiner

Stacey B. Hammer

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Rhoda Stern, hereinafter referred to as "Claimant ": Eduardo A. Rodriguez, Esq., Hooper & Weiss, LLC, Orlando, Florida.

For A.G. Edwards & Sons, Inc. ("Edwards"), Irene J. Barouh ("Barouh"), Alan Neal Weiner ("Weiner") and Stacey B. Hammer ("Hammer"), hereinafter collectively referred to as "Respondents": Marc S. Dobin, Esq., Dobin & Jenks, LLP, Jupiter, Florida.

CASE INFORMATION

Statement of Claim filed on or about: April 30, 2003.

Claimant signed the Uniform Submission Agreement: April 17, 2003.

Statement of Answer filed by Respondents on or about: October 30, 2003.

Respondent Edwards signed the Uniform Submission Agreement: September 22, 2003.

Respondent Barouh signed the Uniform Submission Agreement: October 8, 2003.

Respondent Weiner did not file an executed Uniform Submission Agreement.

Respondent Hammer signed the Uniform Submission Agreement: October 4, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: unsuitability; negligence; breach of contract; respondeat superior; high-risk trading; unauthorized use of discretionary authority; violation of Chapter 517 of the Florida Statutes; violation of the Securities and Investor Protection Act; violation of NASD Conduct Rule 2110; misrepresentation; and, failure to supervise. The causes of action relate to the purchase in Claimant's account of unspecified securities.

Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant was an experienced investor who was aware of and approved the trades in her accounts. All recommendations made to Claimant were suitable and made in accordance with her investment objectives and financial situation. Claimant's losses were due to an overall market correction and her own withdrawals from her accounts. Respondents also asserted affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$195,339.62; punitive damages in the amount of \$586,018.86; attorneys' fees; costs; expenses and disbursement; lost opportunity; interest; and, any and all additional and supplemental relief the Panel deemed just and equitable.

Respondents requested that the Statement of Claim be dismissed with prejudice, that Respondents be awarded their costs, and any other and further relief deemed appropriate under the facts and circumstances of the case.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Weiner did not file with NASD Dispute Resolution ("NASD") a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having answered the claim, is bound by the determination of the Panel on all issues submitted.

On or about April 21, 2005, Claimant filed with NASD a Notice of Voluntary Dismissal with Prejudice. Thereafter, the parties submitted a proposed Stipulated Award.

AWARD

After considering the pleadings and the parties' proposed Stipulated Award the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims against Respondents Edwards, Barouh, Weiner and Hammer are hereby dismissed with prejudice.
2. The Panel recommends the expungement of all reference to the above-captioned arbitration from Respondent Hammer and Weiner's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents Weiner and Hammer must obtain confirmation from a court of competent jurisdiction before the NASD CRD will execute the expungement directive.
3. Any and all claims for relief not specifically addressed herein are 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 = \$ 375.00

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 Edwards is a member firm and a party.

Member surcharge	= \$2,250.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	= \$4,000.00
Total Member Fees	= \$7,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

January 18-21, 2005, adjournment requested by the parties = \$1,200.00

The Panel assessed an adjournment fee of \$600.00 to Claimant.

The Panel assessed an adjournment fee of \$600.00 to Respondents, jointly and severally.

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 Panel @ \$1,200.00/session	= \$1,200.00
Pre-hearing conference: March 18, 2004 1 session	
Total Forum Fees	= \$1,200.00

The Panel assessed forum fees of \$240.00 to Claimant.
The Panel assessed forum fees of \$240.00 to Respondent Edwards.
The Panel assessed forum fees of \$240.00 to Respondent Barouh.
The Panel assessed forum fees of \$240.00 to Respondent Weiner.
The Panel assessed forum fees of \$240.00 to Respondent Hammer.

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 in this matter.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 375.00
Adjournment Fee	= \$ 600.00
Forum Fees	= \$ 240.00
Total Fees	= \$1,215.00
Less payments	= \$1,215.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Edwards is solely liable for:

Member Fees	= \$7,000.00
Forum Fees	= 240.00
Total Fees	= \$7,240.00
Less payments	= \$7,000.00
Balance Due NASD Dispute Resolution	= \$ 240.00

Respondents Barouh is solely liable for:

Forum Fees	= \$ 240.00
Total Fees	= \$ 240.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 240.00

Respondents Weiner is solely liable for:

Forum Fees	= \$ 240.00
Total Fees	= \$ 240.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 240.00

Respondents Hammer is solely liable for:

Forum Fees	= \$ 240.00
Total Fees	= \$ 240.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 240.00

Respondents are jointly and severally liable for:

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

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

ARBITRATION PANEL

Michael R. Emery, Esq.	-	Public Arbitrator, Presiding Chairperson
Joseph Benalt	-	Public Arbitrator
James F. Gatewood	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Michael R. Emery, Esq.
Public Arbitrator, Presiding Chairperson

May 27, 2005
Signature Date

/s/
Joseph Benalt
Public Arbitrator

May 27, 2005
Signature Date

/s/
James F. Gatewood
Non-Public Arbitrator

May 27, 2005
Signature Date

May 27, 2005
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 03-06320
Stipulated Award Page 5 of 5

Respondents are jointly and severally liable for:

Adjournment Fee

Total Fees = \$ 600.00

Less payments = \$ 600.00

Balance Due NASD Dispute Resolution = \$ 600.00

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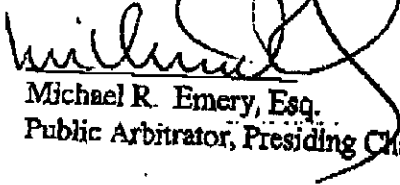
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Public Arbitrator, Presiding Chairperson

Public Arbitrator

Non-Public Arbitrator

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Michael R. Emery, Esq.

Public Arbitrator, Presiding Chairperson

5-27-05

Signature Date

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Public Arbitrator

Signature Date

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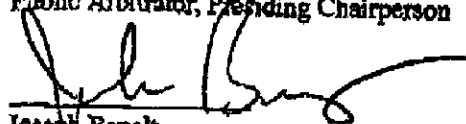
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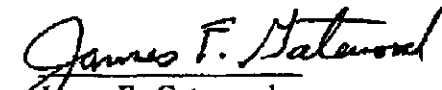
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Signature Date

Joseph Benalt
Public Arbitrator

Signature Date



James F. Gatewood
Non-Public Arbitrator

5/28/05

Signature Date

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