

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Names of the Claimants
Ronald E. and Mal Y. Plyler

Case Number: 04-00618

Names of the Respondents
Allmerica Investments, Inc.
Veravest Investments, Inc.

Hearing Site: Pittsburgh, PA

Nature of the Dispute: Customers vs. Members

REPRESENTATION OF PARTIES

Claimants, Ronald E. and Mal Y. Plyler, hereinafter collectively referred to as "Claimants", were represented by Robert W. Goehring, Esq., Robert W. Goehring & Associates, Pittsburgh, Pennsylvania.

Respondents, Allmerica Investments, Inc. ("Allmerica") and Veravest Investments, Inc. ("Veravest"), hereinafter collectively referred to as "Respondents", were represented by Kate J. Fagan, Esq., Wayman, Irvin & McAuley, LLC, Pittsburgh, Pennsylvania.

CASE INFORMATION

Statement of Claim filed on February 2, 2004.

Claimants signed the Uniform Submission Agreement on December 23, 2003.

Statement of Answer filed by Respondents on March 30, 2004.

A representative of Respondent Veravest signed the Uniform Submission Agreement on March 11, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: negligence; suitability; misrepresentation and fraud; failure to supervise; breach of fiduciary duty; violation of federal and state securities laws; violation of NASD Rules of Fair Practice; breach of contract and breach of implied covenant of good faith and fair dealing; and, loss of investment opportunity. The causes of action relate to the purchase of variable annuities.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses among others: failure to state a claim upon which relief may be granted; assumption of the risk; contributory negligence; failure to mitigate; statute of limitations; ratification; and, waiver, estoppel and laches.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$175,572.00; interest at the legal rate of 10% from the date of the filing of this claim until any arbitration award rendered herein is paid; and, other monetary relief, punitive damages, costs and attorneys' fees in unspecified amounts.

Respondents requested that Claimants' claims be dismissed in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Allmerica did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

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 one hundred eighteen thousand dollars and no cents (\$118,000.00) in compensatory damages at a simple interest rate of four percent (4%) from January 1, 2001 until this Award is paid in full;
2. Respondents are jointly and severally liable to and shall pay to Claimants the sum of three hundred dollars as reimbursement of the filing fee;
3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and,
4. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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
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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, Veravest 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 Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: August 19, 2004 1 session	

Six (6) Hearing sessions @ \$1,125.00	= \$6,750.00
Hearing Dates: May 17, 2005 2 sessions	
May 18, 2005 2 sessions	
May 19, 2005 2 sessions	

Total Forum Fees	= \$7,875.00
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The Panel has assessed \$7,875.00 of the forum fees to Respondents, jointly and severally.

Fee Summary

1. Claimants are assessed and shall pay:

Initial Filing Fee	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$1,425.00
Refund owed Claimants from NASD Dispute Resolution	= \$1,125.00

2. Respondent Veravest 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 Allmerica and Veravest are jointly and severally assessed and shall pay:

Forum Fees	= \$7,875.00
Total Fees	= \$7,875.00
Less payments	= \$2,750.00
Balance Due NASD Dispute Resolution	= \$5,125.00


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

ARBITRATION PANEL

Andrew L. Weil, Esq.
Howard S. Averbach, Esq.
Budd J. Hallberg

- Public Arbitrator, Presiding Chairperson
- Public Arbitrator, Panelist
- Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Andrew L. Weil, Esq.
Public Arbitrator, Presiding Chairperson

5-27-2005

Signature Date

Howard S. Averbach, Esq.
Public Arbitrator, Panelist

Signature Date

Budd J. Hallberg
Non-Public Arbitrator, Panelist

Signature Date

June 1, 2005

Date of Service (For NASD Dispute Resolution office use only)

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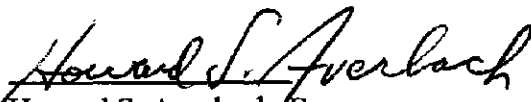
ARBITRATION PANEL

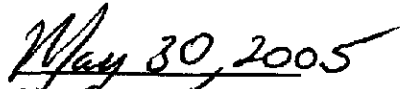
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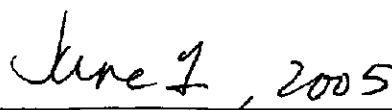
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Non-Public Arbitrator, Panelist

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