
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
George F. Hunter

Case Number: 04-00807

Name of the Respondent
A.G. Edwards & Sons, Inc.

Hearing Site: New Orleans, LA

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

For George F. Hunter, hereinafter referred to as "Claimant": George W. Healy, IV, Esq., George W. Healy, IV & Associates, Gulfport, MS.

For A.G. Edwards & Sons, Inc. ("AGE"), hereinafter referred to as "Respondent": Nuviah Shirazi, Esq., Litigation Counsel, AGE, St. Louis, MO.

CASE INFORMATION

Statement of Claim filed on or about: February 9, 2004.

Claimant signed the Uniform Submission Agreement: January 30, 2004.

Statement of Answer filed by Respondent on or about: April 20, 2004.

Respondent signed the Uniform Submission Agreement: April 15, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: unsuitability; negligence; breach of fiduciary duty; failure to disclose material facts; failure to disclose commissions and fees; failure to supervise; respondeat superior; breach of contract; fraud; aiding and abetting; and, other violations. The causes of action relate to the purchase of Putnam Voyager Fund, FT 10 Uncommon Values 1999, a MetLife variable annuity, and other unspecified securities products in Claimant's accounts.

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

RELIEF REQUESTED

Claimant requested compensatory damages of \$225,000.00, pre- and post-award interest, costs, attorneys' fees, punitive damages of \$150,000.00, and any other costs deemed reasonable.

Respondent requested dismissal of the Statement of Claim, attorneys' fees, costs, and such other relief deemed just and proper by the undersigned arbitrators (the "Panel").

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, 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 and shall pay to Claimant compensatory damages in the sum of \$95,000.00, plus pre-judgment interest at the rate of 5% per annum accruing from February 9, 2004 until the date of payment of the Award.

Respondent is liable and shall pay to Claimant the sum of \$300.00 representing reimbursement of the claim filing fee previously paid by Claimant to NASD Dispute Resolution.

Any and all claims for relief not specifically addressed herein, including Claimant's request for punitive damages, 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	= \$ 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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent AGE is a member firm and a party.

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

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were assessed during these proceedings.

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 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 the Panel @ \$1,125.00/session	= \$1,125.00
Pre-hearing conference: July 6, 2004 1 session	
Five (5) Hearing sessions @ \$1,125.00/session	= \$5,625.00
Hearing Dates: February 22, 2005 2 sessions	
February 23, 2005 3 sessions	
Total Forum Fees	= \$6,750.00

The Panel has assessed the total forum fees of \$6,750.00 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

Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 300.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent is solely liable for:

Member Fees	= \$ 5,200.00
Forum Fees	= \$ 6,750.00
Total Fees	= \$11,950.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 6,750.00

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

ARBITRATION PANEL

Daniel Q. Posin, Esq.	-	Public Arbitrator, Presiding Chairperson
Thomas J. Fischer, Esq.	-	Public Arbitrator
John C. Anjier, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Daniel Q. Posin, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

/s/
Thomas J. Fischer, Esq.
Public Arbitrator

Signature Date

/s/
John C. Anjier, Esq.
Non-Public Arbitrator

Signature Date

February 25, 2005
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 04-00807
Award Page 4 of 4

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Public Arbitrator, Presiding Chairperson

2/25/05

Signature Date

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Public Arbitrator

Signature Date

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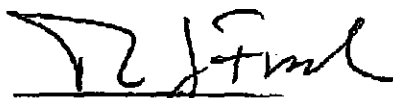
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