

**STIPULATED AWARD
NASD Dispute Resolution**

In the Matter of the Arbitration Between

Names of Claimants

Conrad F. and Ruth H. Schenk

and

Case Number: 04-01847

Hearing Site: Louisville, Kentucky

Names of Respondents

Advest, Inc. and
Robert C. Matlock, Jr.

NATURE OF CASE

Customers v. Member Firm and Associated Person

REPRESENTATION OF PARTIES

Conrad F. and Ruth H. Schenk ("**Claimants**") were represented by James P. McCrocklin, Esq., Louisville, Kentucky.

Advest, Inc. ("**Advest**") and Robert C. Matlock, Jr. ("**Matlock**") hereinafter collectively referred to as ("**Respondents**"), were represented by Dennis J. Concilla, Esq., and Douglas R. Jennings, Esq. Carlile, Patchen, & Murphy LLP, Columbus, Ohio.

CASE INFORMATION

The Statement of Claim was filed on or about March 17, 2004. The Submission Agreements of Claimants, Conrad F. and Ruth H. Schenk, were signed on or about February 25, 2005.

Respondents, Advest, Inc. and Matlock, filed a Joint Statement of Answer on or about May 28, 2004. The Submission Agreement of Respondent, Advest, Inc., was signed by Thomas P. Byrne, Vice President, on or about April 21, 2004. The Submission Agreement of Respondent, Robert C. Matlock, Jr., was signed on or about May 7, 2005.

CASE SUMMARY

Claimants asserted the following causes of action: negligence; misrepresentation and omission of material facts; failure to supervise, breach of fiduciary duty; breach of contract, common law fraud; common law negligent; misrepresentation and concealment. The causes of action related to investment products purchased by Claimants through Respondents.

Unless specifically admitted in their respective Answer, Respondents denied the allegations of wrongdoing set forth in the Statement of Claim.

RELIEF REQUESTED

Claimants requested compensatory damages of \$750,000; punitive damages of \$4,000,000; pre-judgment interest at a rate of 8% per annum; post-judgment interest at a rate of 12% per annum, together with an award of costs, expenses, and attorneys' fees.

Respondents requested dismissal of the Statement of Claim in its entirety and expungement of all record of the proceedings against Robert C. Matlock Jr. from the Central Registration Depository.

OTHER ISSUES CONSIDERED & DECIDED

On or about April 20, 2005, the parties advised the NASD that a settlement had been reached in which Claimants agreed to enter into this Stipulated Award directing expungement of this matter from the registration records maintained by the Central Registration Depository ("CRD") of the NASD for Respondent Robert C. Matlock, Jr. The parties have further agreed that the Award in this matter may be executed in counterpart copies.

AWARD

After considering the parties' submissions and representations, but without making any findings of law, the undersigned arbitrators order as follows:

1. All claims against Respondentsm Advest, Inc. and Robert C. Matlock, Jr., are hereby dismissed with prejudice;
2. The panel recommends the expungement of all reference to the above captioned arbitration from Respondent, Robert C. Matlock, Jr.'s, registration records maintained with the NASD Central Registration Depository ("CRD") with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Matlock must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive; and
3. All parties to the above-captioned arbitration agree to bear their own costs and attorneys' fees, except any forum fees or costs associated with the request for this Stipulated Award, which shall be paid by Respondent, Robert C. Matlock, Jr.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain the non-refundable filing fees for each claim:

Initial claim filing fee = \$600.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated persons at the time of the events giving rise to the dispute. In this matter, the member firm is Advest, Inc.

Member surcharge = \$2,800.00
Pre-hearing process fee = \$ 750.00
Hearing process fee = \$5,000.00

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing 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:

Number (1) Pre-hearing session with Panel x \$1,200.00 = \$1,200.00
Pre-hearing conference: September 20, 2004 1 session
Total Forum Fees = \$1,200.00

The Arbitration Panel has assessed \$600.00 of the forum fees jointly and severally to Conrad F. and Ruth H. Schenk.

The Arbitration Panel has assessed \$600.00 of the forum fees jointly and severally to Advest, Inc. and Robert C. Matlock, Jr.

Fee Summary

Claimants, Conrad F. and Ruth H. Schenk, are jointly and severally liable for:

Initial Filing Fee	= \$ 600.00
<u>Forum Fees</u>	<u>= \$ 600.00</u>
Total Fees	= \$1,200.00
<u>Less payments</u>	<u>= \$1,800.00</u>

Refund due to Claimants = \$ 600.00

Respondent, Advest, Inc, is liable for:

<u>Member Fees</u>	= \$8,550.00
<u>Total Fees</u>	= \$8,550.00
<u>Less payments</u>	= \$8,550.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

Respondents, Advest, Inc. and Robert C. Matlock, Jr., are jointly and severally liable for:

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

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

ARBITRATION PANEL

Amelia F. Adams, Esq - Public, Presiding Chair
Valerie J. Hamm, Esq - Public Arbitrator
Ronald M. Rubin - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Amelia F. Adams, Esq.
Amelia F. Adams, Esq
Public Arbitrator, Presiding Chair

06/10/05
Signature Date

/s/ Valerie J. Hamm, Esq.
Valerie J. Hamm, Esq.
Public Arbitrator

05/27/05
Signature Date

/s/ Ronald M. Rubin
Ronald M. Rubin
Non-Public Arbitrator

05/31/05
Signature Date

06/13/05
Date of Service (For NASD office use only)

Refund due to Claimants

Respondent, Advest, Inc, is liable for:

Member Fees

Total Fees

Less payments

Balance Due NASD Dispute Resolution

Respondents, Advest, Inc. and Robert C. Matlock, Jr., are jointly and severally liable for

Forum Fees

Total Fees

Less payments

Balance Due NASD Dispute Resolution

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

ARBITRATION PANEL

Amelia F. Adams, Esq - Public, Presiding Chair

Valerie J. Hamm, Esq - Public Arbitrator

Ronald M. Rubin - Non-Public Arbitrator

Concurring Arbitrators:

Amelia T. Edwards

Amelia F. Adams, Esq

Public Arbitrator, Presiding Chair

6/10/05
Signature Date

Signature Date

Valerie J. Hamm, Esq.

Public Arbitrator

Signature Date

Ronald M. Rubin

Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

Refund due to Claimants = \$ 800.00

Respondent, Advast, Inc, is liable for:

Member Fees	= \$8,550.00
Total Fees	= \$8,550.00
Less payments	= \$8,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents, Advast, Inc. and Robert C. Matlock, Jr., are jointly and severally liable for:

Forum Fees	= \$ 600.00
Total Fees	= \$ 600.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 600.00

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

ARBITRATION PANEL

Amelia F. Adams, Esq - Public, Presiding Chair
Valerie J. Hamm, Esq - Public Arbitrator
Ronald M. Rubin - Non-Public Arbitrator

Concurring Arbitrators:

Amelia F. Adams, Esq
Public Arbitrator, Presiding Chair


Valerie J. Hamm, Esq
Public Arbitrator

Signature Date


Signature Date

Ronald M. Rubin
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

Refund due to Claimants = \$ 600.00

Respondent, Advest, Inc. is liable for:

<u>Member Fees</u>	= \$8,550.00
<u>Total Fees</u>	= \$8,550.00
<u>Less payments</u>	= \$8,550.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

Respondents, Advest, Inc. and Robert C. Matlock, Jr., are jointly and severally liable for:

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

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

ARBITRATION PANEL

Amelia F. Adams, Esq - Public, Presiding Chair
Valerie J. Hamm, Esq - Public Arbitrator
Ronald M. Rubin - Non-Public Arbitrator

Concurring Arbitrators:

Amelia F. Adams, Esq
Public Arbitrator, Presiding Chair

Signature Date

Valerie J. Hamm, Esq
Public Arbitrator

Signature Date



Ronald M. Rubin
Non-Public Arbitrator

May 31, 2005

Signature Date

Date of Service (For NASD office use only)