

Award
NASD Dispute Resolution

COPY

In the Matter of the Arbitration Between:

Robert C. Anderson, Claimant v. Arne R. Domas and A.G. Edwards & Sons, Inc., Respondents

Case Number: 04-04160

Hearing Site: Seattle, Washington

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

REPRESENTATION OF PARTIES

For Claimant:

G. Michael Zeno, Jr., Esq.
Zeno, Drake and Hively, P.S.
Kirkland, Washington

For Respondents:

Matthew Salamon, Esq.
A.G. Edwards & Sons, Inc.
St. Louis, Missouri

CASE INFORMATION

Statement of Claim filed: June 7, 2004

Claimant's Uniform Submission Agreement signed: April 30, 2004

Joint Statement of Answer filed by Respondents A.G. Edwards & Sons, Inc. and Arne R. Domas:
August 10, 2004

Respondent A.G. Edwards & Sons, Inc.'s Uniform Submission Agreement signed: June 29, 2004

Respondent Arne R. Domas's Uniform Submission Agreement signed: July 20, 2004

CASE SUMMARY

Claimant alleged violation of the Washington Securities Act, violation of the Washington Consumer Protection Act, negligence, breach of fiduciary duty, misrepresentation, fraud, breach of NASD rules, employer's vicarious liability, negligent failure to supervise, and violation of federal securities laws. Claimant's allegations involved the purchase of unspecified communication, technology, and internet stocks for his accounts.

Respondents denied the allegations of wrongdoing set forth in Claimant's Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested unspecified compensatory damages, pre-judgment interest, and costs, including attorney's fees and forum fees.

Respondents requested dismissal of Claimant's Statement of Claim in its entirety, costs, and expungement of all reference to this matter from Respondents' professional records.

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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's claims are denied in their entirety.
- 2) Respondent Arne R. Domas' request for expungement of this matter from his CRD records is denied.
- 3) The parties shall bear their respective costs, including attorney's fees.
- 4) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 250.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm A.G. Edwards & Sons, Inc. is a party, and the following fees are assessed:

Member Surcharge	= \$1,500.00
Pre-Hearing Process Fee	= \$ 750.00

Hearing Process Fee	= \$2,200.00
Total Member Fees	= \$4,450.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair or the parties and the Panel. The following fees are assessed:

One (1) pre-hearing conference session with the Panel @ \$1,000.00/session	= \$1,000.00
Pre-hearing conference: October 22, 2004 1 session	
Six (6) hearing sessions @ \$1,000.00/session	= \$6,000.00
Hearings: August 2, 2005 2 sessions	
August 3, 2005 2 sessions	
August 4, 2005 2 sessions	
Total Forum Fees	= \$7,000.00

1. The Panel assessed \$3,500.00 of the forum fees to Claimant Robert C. Anderson.
2. The Panel assessed \$3,500.00 of the forum fees jointly and severally to Arne R. Domas and A.G. Edwards & Sons, Inc.

Fee Summary

1. Claimant Robert C. Anderson is charged with the following fees and costs:

Initial Filing Fee	= \$ 250.00
Forum Fees	= \$ 3,500.00
Total Fees	= \$ 3,750.00
Less payments	= \$(1,425.00)
Balance Due NASD Dispute Resolution	= \$ 2,325.00
2. Respondent A.G. Edwards & Sons, Inc. is charged with the following fees and costs:

Member Fees	= \$ 4,450.00
Less payments	= \$(4,450.00)
Balance Due NASD Dispute Resolution	= \$ 0.00
3. Respondents Arne R. Domas and A.G. Edwards & Sons, Inc. are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 3,500.00
Balance Due NASD Dispute Resolution	= \$ 3,500.00


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

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ARBITRATION PANEL

<i>Mark B. Moburg, Esq.</i>	•	<i>Public Arbitrator, Presiding Chair</i>
<i>Thomas D. Loftus, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Kevin I. Patrick</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures



Mark B. Moburg, Esq.
Chair, Public Arbitrator

August 18, 2005

Signature Date

Thomas D. Loftus, Esq.
Public Arbitrator

Signature Date

Kevin I. Patrick
Non-Public Arbitrator

Signature Date

8/19/05

Date of Service

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<i>Thomas D. Loftus, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Kevin L. Patrick</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Mark B. Moburg, Esq.
Chair, Public Arbitrator

Signature Date

Thomas D. Loftus

Thomas D. Loftus, Esq.
Public Arbitrator

August 19, 2005

Signature Date

Kevin L. Patrick
Non-Public Arbitrator

Signature Date

8/19/05

Date of Service

NASD Dispute Resolution
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ARBITRATION PANEL

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<i>Thomas D. Loftus, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Kevin I. Patrick</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Mark B. Moburg, Esq.
Chair, Public Arbitrator

Signature Date

Thomas D. Loftus, Esq.
Public Arbitrator

Signature Date


Kevin I. Patrick
Non-Public Arbitrator

8-19-05
Signature Date

8/19/05
Date of Service