

AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between

Claimant

Charlene D. Ford, TTEE, Charlene D. Ford
Trust U/D DTD 6-21-87

and

Case Number: 04-04399
Hearing Site: Troy, Michigan

Respondents

A.G. Edwards & Sons, Inc., and
Richard John Orzechowski

NATURE OF DISPUTE

Customer v. Member and Associated Person

REPRESENTATION OF PARTIES

Charlene D. Ford, TTEE, Charlene D. Ford Trust U/D DTD 6-21-87 ("Claimant") was represented by Walter L. Baumgardner, Esq., Musilli, Brennan & Letvin, PLLC, St. Clair Shores, Michigan.

A.G. Edwards & Sons, Inc. ("AGE") and Richard John Orzechowski ("Orzechowski"), hereinafter referred to as "Respondents," were represented by Matthew R. Salamon, Esq., A.G. Edwards & Sons, Inc., St. Louis, Missouri.

CASE INFORMATION

The Statement of Claim was filed on or about June 7, 2004. The Submission Agreement of Charlene D. Ford Trust U/D DTD 6-21-87 was signed on or about June 7, 2004, by Charlene D. Ford, TTEE.

The Statement of Answer was filed jointly by Respondents on or about September 20, 2004. The Submission Agreement of AGE was signed on or about August 17, 2004, by Stephen G. Sneeringer. The Submission Agreement of Orzechowski was signed on or about August 23, 2004.

Respondents' filed a Motion to Exclude on or about September 30, 2005. Claimant filed a Response to the Motion to Exclude on or about October 4, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: failure to follow Claimant's investment instructions, breach of fiduciary duty, misrepresentation, excessive trading, unauthorized trading, failure to supervise, violation of NASD Rules of Fair Practice, negligence and fraud. The causes of action related to Claimant's allegations that Orzechowski, without authorization, sold off all of the seventeen unspecified securities in Claimant's account.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted affirmative defenses including the following: Claimant failed to act promptly and with due diligence to mitigate any alleged damages; Claimant is estopped from asserting claims against Respondents by virtue of her conduct and dealings with Respondents; and Claimant ratified the alleged conduct about which she now complains.

RELIEF REQUESTED

Claimant requested an award in the amount of \$447,633.00 in compensatory damages, plus interest, treble damages, exemplary damages and punitive damages, costs, expenses, attorneys' fees, rescission, an order requiring disgorgement and/or imposing a trust upon all Respondents' ill-gotten monies and freezing all Respondents' assets and requiring Respondents to pay restitution to Claimant, and any other relief the panel deemed just and proper.

Respondents requested that the claims asserted against them be denied in their entirety and that they be awarded their costs, attorneys' fees, and any other relief the panel deemed appropriate. At the hearing Respondent Orzechowski requested expungement.

OTHER ISSUES CONSIDERED & DECIDED

Respondents did not present their Motion to Exclude at the hearing.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with NASD Dispute Resolution ("NASD").

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

- 1.) Claimant's claims, each and all, are denied and dismissed with prejudice;

- 2.) Other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter; and
- 3.) Any relief not specifically enumerated, including punitive/exemplary damages, attorneys' fees, and expungement, is hereby 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 = \$ 300.00

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 person at the time of the events giving rise to the dispute. In this matter, the member firm is A.G. Edwards & Sons, 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 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 x \$1,200.00 = \$ 1,200.00
Pre-hearing conference: February 23, 2005 1 session

Four (4) Hearing sessions x \$1,200.00 = \$ 4,800.00
Hearing Dates: October 10, 2005 2 sessions
October 11, 2005 2 sessions

Total Forum Fees = \$ 6,000.00

The Arbitration Panel has assessed \$6,000.00 of the forum fees to Charlene D. Ford, TTEE, Charlene D. Ford Trust U/D DTD 6-21-87.

Fee Summary

Claimant, Charlene D. Ford, TTEE, Charlene D. Ford Trust U/D DTD 6-21-87, is liable for:

Initial Filing Fee	= \$ 500.00
Forum Fees	= \$ 6,000.00
Total Fees	= \$ 6,500.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 5,075.00

Respondent, A.G. Edwards & Sons, Inc., is liable for:

Member Fees	= \$ 8,550.00
Total Fees	= \$ 8,550.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 3,350.00

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

ARBITRATION PANEL

Jeffrey M. Bain, Esq. - Public Arbitrator, Presiding Chair
Martin B. Breighner, Esq. - Public Arbitrator
Joseph R. Papo - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Jeffrey M. Bain, Esq.
Jeffrey M. Bain, Esq.
Public Arbitrator, Presiding Chair

10/12/05
Signature Date

/s/ Martin B. Breighner, Esq.
Martin B. Breighner, Esq.
Public Arbitrator

10/12/05
Signature Date

/s/ Joseph R. Papo
Joseph R. Papo
Non-Public Arbitrator

10/12/05
Signature Date

10/12/05
Date of Service (For NASD office use only)

NASD Dispute Resolution
Arbitration No. 04-04399
Award Page 4 of 4

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Martin B. Breighner, Esq. - Public Arbitrator

Joseph R. Papo - Non-Public Arbitrator

Concurring Arbitrators:


Jeffrey M. Bain, Esq.
Public Arbitrator, Presiding Chair

October 12, 2005
Signature Date


Martin B. Breighner, Esq.
Public Arbitrator

Signature Date

Joseph R. Papo
Non-Public Arbitrator

Signature Date

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NASD Dispute Resolution
Arbitration No. 04-04399
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Public Arbitrator, Presiding Chair

Signature Date

Martin B. Breighner, Esq.
Public Arbitrator

Signature Date



Joseph R. Papo
Non-Public Arbitrator

10-12-05

Signature Date

Date of Service (For NASD office use only)

NASD Dispute Resolution
Arbitration No. 04-04398
Award Page 4 of 4

Fee Summary

Claimant, Charlene D. Ford, TTEE, Charlene D. Ford Trust U/D DTD 6-21-87, is liable for:

Initial Filing Fee	= \$ 500.00
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Public Arbitrator, Presiding Chair

Signature Date


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Public Arbitrator

10-12-05
Signature Date

Joseph R. Papo
Non-Public Arbitrator

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