

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Sandra J. Richard and Ronald M. Richard, Jr. (Claimants) v. A.G. Edwards, Greg Hood and Richard Iannacone (Respondents)

Case Number: 04-06482

Hearing Site: Boston, Massachusetts

Nature of the Dispute: Customers v. Member and Associated Persons

REPRESENTATION OF PARTIES

Claimants Sandra J. Richard and Ronald M. Richard, Jr. hereinafter collectively referred to as "Claimants": Stephanie K. Burnham, Esq., Law Office of Stephanie K. Burnham, Manchester, NH.

Respondents A.G. Edwards & Sons, Inc., ("A.G. Edwards"), Greg Hood ("Hood"), and Richard Iannacone ("Iannacone"), hereinafter collectively referred to as "Respondents": William S. Port, Esq., In-House Counsel A.G. Edwards & Sons, Inc., St. Louis, MO.

CASE INFORMATION

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

Claimant Sandra J. Richard signed the Uniform Submission Agreement: September 9, 2004.

Claimant Ronald M. Richard, Jr. signed the Uniform Submission Agreement: September 9, 2004.

Joint Statement of Answer filed by Respondents on or about: November 4, 2004.

Respondent A.G. Edwards & Sons, Inc. signed the Uniform Submission Agreement: November 2, 2004.

Respondent Iannacone signed the Uniform Submission Agreement: November 2, 2004.

Respondent Hood signed the Uniform Submission Agreement: November 2, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: breach of contract; negligence; failure to supervise; breach of fiduciary duty; unsuitability; and misrepresentation. The causes of action relate to unspecified common stock.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$413,052.68, punitive damages, interest, attorneys' fees, costs and such other relief as determined by the Panel.

Respondents requested that the Panel issue an order dismissing the Claimants' Statement of Claim in its entirety, awarding Respondents their costs associated with the defense of this matter, including reasonable attorneys' fees, and such other and further relief as the Panel may deem just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

At the commencement of the hearing, Claimants withdrew their Motion to file a Second Amended Statement of Claim.

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.

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. The Claimants' claims are denied in their entirety.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Gregg Hood's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Gregg Hood must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130, the arbitration panel has made the following affirmative findings of fact: the claim, allegation, or information is false.

3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Richard Iannacone's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Richard Iannacone must obtain confirmation from a court of competent jurisdiction

before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130, the arbitration panel has made the following affirmative findings of fact: the claim, allegation, or information is false.

4. Any and all relief not specifically addressed herein 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 persons at the time of the events giving rise to the dispute. Accordingly, A.G. Edwards & Sons, Inc., is 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:

July 26-28, 2005, adjournment by Respondent A.G. Edwards & Sons, Inc. = \$ 1,125.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with Panel @ \$1,125.00 per session	= \$ 2,250.00
Pre-hearing conferences: January 4, 2005 1 session	
May 18, 2005 1 session	

Two (2) Hearing sessions @ \$1,125.00 per session	= \$ 2,250.00
Hearing Date: September 20, 2005 2 sessions	

Total Forum Fees = \$ 4,500.00

1. The Panel has assessed \$2,250.00 of the forum fees jointly and severally against the Claimants.
2. The Panel has assessed \$2,250.00 of the forum fees against A.G. Edwards.

Fee Summary

1. Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 2,250.00
<hr/> Total Fees	<hr/> = \$ 2,550.00
<u>Less payments</u>	<u>= \$ 1,425.00</u>
Balance Due NASD Dispute Resolution	= \$ 1,125.00
2. Respondent A.G. Edwards & Sons, Inc. is solely liable for:

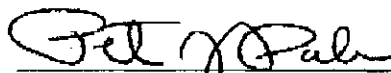
Member Fees	= \$ 5,200.00
Adjournment Fee	= \$ 1,125.00
Forum Fees	= \$ 2,250.00
<hr/> Total Fees	<hr/> = \$ 8,575.00
<u>Less payments</u>	<u>= \$ 8,700.00</u>
Refund Due A.G. Edwards	= \$ 125.00

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

ARBITRATION PANEL

Peter J. Dale, Esq.	-	Public Arbitrator, Presiding Chairperson
Evalyn Lipton Fishbein, Esq.	-	Public Arbitrator
C. Henry Lucas, MBA	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Peter J. Dale, Esq.
Public Arbitrator, Presiding Chairperson

9/30/05
Signature Date

Evalyn Lipton Fishbein, Esq.
Public Arbitrator

Signature Date

C. Henry Lucas, MBA
Non-Public Arbitrator

Signature Date

October 3, 2005
Date of Service (For NASD Dispute Resolution use only)


ARBITRATION PANEL

Peter J. Dale, Esq.	-	Public Arbitrator, Presiding Chairperson
Evalyn Lipton Fishbein, Esq.	-	Public Arbitrator
C. Henry Lucas, MBA	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Peter J. Dale, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date


Evalyn Lipton Fishbein, Esq.
Public Arbitrator

September 29, 2005
Signature Date

C. Henry Lucas, MBA
Non-Public Arbitrator

Signature Date

October 3, 2005
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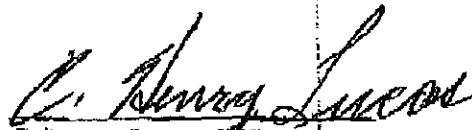
Concurring Arbitrators' Signatures

Peter J. Dale, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Evalyn Lipton Fishbein, Esq.
Public Arbitrator

Signature Date


C. Henry Lucas, MBA
Non-Public Arbitrator

9-27-05
Signature Date

October 3, 2005
Date of Service (For NASD Dispute Resolution use only)