

AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between

Name of Claimant

Wachovia Securities, LLC

and

04-06950
Phoenix, Arizona

Name of Respondent

Joseph Andrews

Nature of the Dispute: Member vs. Associated Person.

REPRESENTATION OF PARTIES

Wachovia Securities, LLC ("**Claimant**") was represented by Renan I. Sugarman, Esq., Chicago, Illinois.

Joseph Andrews ("**Respondent**") was represented at the hearing by Richard S. Berry.

CASE INFORMATION

The Statement of Claim was filed on or about October 1, 2004. Response to Motion for Leave to File Counterclaim, Motion for Sanctions, and Motion for Extension of Time and Continuance was filed on or about September 1, 2005. Submission Agreement of Claimant Wachovia Securities, LLC was signed and undated.

Statement of Answer was filed by Respondent Joseph Andrews on or about November 29, 2004. Motion for Leave to File Counterclaim was filed on or about August 26, 2005. Motion for Sanctions was filed on or about August 26, 2005. Motion for Extension of Time and Continuance was filed on or about August 26, 2005. Submission Agreement of Respondent Joseph Andrews was signed on November 22, 2004.

CASE SUMMARY

Claimant alleged that:

This is an action by a securities brokerage firm to recover the substantial balance due it pursuant to a loan given to a former employee. This loan was evidenced by an unambiguous written Promissory Note signed by the former employee, which specifically required the

former employee to repay the outstanding principal balance on the Promissory Note, interest, plus all costs of collection, including reasonable attorneys' fees. After his employment ended, demand was made on this former employee for re-payment of the loan. Despite demand, the former employee has failed and refused to honor his obligations under the outstanding Promissory Note.

Respondent denied the allegations set forth in the Statement of Claim. Respondent specifically stated that: "any and all sums due under the note have been waived by claimant's failure to carry out the conditions precedent, warranties and conditions of the note...damages occurred by reason of the breach of aforesaid conditions precedent, warranties and covenants which equal or exceed the monies sought herein by claimant."

RELIEF REQUESTED

Claimant requested an award in the amount of

Principal balance due and owing under the Note;	\$118,383.83
Interest as of February, 2004;	\$457.27
Interest at the per diem rate up to the date of payment; and	(unknown at this time)
The costs of collection and of this proceeding including attorneys' fees as agreed to under the terms of the Note.	(unknown at this time)

Respondent requested that the claims asserted against him be dismissed, that he be awarded his attorneys fees, costs and for such other and further relief as may be just and proper.

OTHER ISSUES CONSIDERED & DECIDED

On September 9, 2005, the parties were advised of the Arbitration Panel's Order of the same date denying the outstanding Motions for Leave to File Counterclaim, Sanctions, and for Extension of Time and Continuance.

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 the NASD Dispute Resolution (the "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. Respondent Joseph Andrews is liable for and shall pay to Wachovia Securities, LLC the sum of \$108,525.00 (**One Hundred Eight Thousand Five Hundred Twenty Five Dollars and No Cents**) as compensatory damages, including attorneys' fees, costs and interest.
2. That to the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice.
3. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys fees, not specifically awarded or otherwise provided for above.

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 = \$1,000.00

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. In this matter, the member firm(s) is Wachovia Securities, LLC.

Member surcharge	\$	1,700.00
Pre-hearing process fee	\$	750.00
Hearing process fee	\$	2,750.00
Total Member Fees	\$	5,200.00

Adjournment Fees

Adjournments requested during these proceedings:

Hearing Date(s), April 12-13, 2005 adjournment requested by Joseph Andrews (fee = \$1,125.00 waived by Arbitration Panel)

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:

1	Pre-hearing session(s) with Panel	x	1,125.00	\$	1,125.00
	February 2, 2005	1	session		
2	Hearing sessions	x	1,125.00	\$	2,250.00
	September 14, 2005	2	sessions		
	Total Forum Fees			\$	3,375.00

The Arbitration Panel has assessed \$1,687.50 of the forum fees to Wachovia Securities, LLC.
The Arbitration Panel has assessed \$1,687.50 of the forum fees to Joseph Andrews.

Fee Summary

Claimant, Wachovia Securities, LLC, is liable for:

Initial Filing Fee	= \$	1,000.00
Member Fees	= \$	5,200.00
<u>Forum Fees</u>	= \$	1,687.50
Total Fees	= \$	7,887.50
<u>Less payments</u>	= \$	-7,325.00
Balance Due NASD Dispute Resolution	= \$	562.50

Respondent, Joseph Andrews, is liable for:

<u>Forum Fees</u>	= \$	1,687.50
Total Fees	= \$	1,687.50
<u>Less payments</u>	= \$	-0.00
Balance Due NASD Dispute Resolution	= \$	1,687.50

All balances are due to NASD Dispute Resolution

ARBITRATION PANEL

Ronald K. Sprague – Non-Public Arbitrator, Presiding Chair
Robert Neil Blendu – Non-Public Arbitrator
Roy R Petsch, II - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Ronald K. Sprague
Ronald K. Sprague
Non-Public Arbitrator, Presiding Chair

September 20, 2005
Signature Date

/s/ Robert Neil Blendu
Robert Neil Blendu
Non-Public Arbitrator

September 19, 2005
Signature Date

/s/ Roy R. Petsch, II
Roy R Petsch, II
Non-Public Arbitrator

September 19, 2005
Signature Date

9/20/05
Date of Service (For NASD office use only)

NASD Dispute Resolution
Arbitration No. 04-06950
Award Page 3 of 3

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Roy R Petsch, II - Non-Public Arbitrator

Concurring Arbitrators:



Ronald K. Sprague
Non-Public Arbitrator, Presiding Chair

9-20-05

Signature Date

Robert Neil Blendu
Non-Public Arbitrator

Signature Date

Roy R Petsch, II
Non-Public Arbitrator

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08/19/2005 12:58 FAX

NASD

NASD Dispute Resolution
Arbitration No. 04-06950
Award Page 5 of 5

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