

AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between

Name of Claimant

Edward D. Jones & Co.

and

Case Number: 05-01253
Hearing Site: Houston, Texas

Name of Respondent

Howell G. Ferguson

NATURE OF DISPUTE

Member Firm v. Associated Person

REPRESENTATION OF PARTIES

Edward D. Jones & Co. ("**Claimant**" or "**Edward Jones**") was represented by J. Christopher Wehrle, Esq., Goldberg Wehrle LLC, St. Louis, Missouri.

Howell G. Ferguson ("**Respondent**" or "**Ferguson**") of Houston, Texas, did not enter an appearance in this matter.

CASE INFORMATION

The Statement of Claim was filed on or about March 10, 2005.

The Submission Agreement of Claimant, Edward D. Jones & Co., was signed by James D. Weddle on or about March 8, 2004.

Respondent Ferguson did not file either a Submission Agreement or a Statement of Answer.

CASE SUMMARY

Claimant alleges a failure to repay an employee agreement. On or about April 18, 2001, Edward Jones advanced to Ferguson as a loan the sum of \$75,000.00. This loan was memorialized in the Investment Representative Employment Agreement ("Agreement"). The Agreement provided that if Ferguson's employment should terminate, the entire unpaid principal amount of the loan shall be immediately due and payable. As a result of Ferguson's failure to honor his obligations pursuant to the Agreement, Edward Jones is

requesting \$9,375.00, which includes the principal balance due and owing under the Agreement.

RELIEF REQUESTED

Claimant requested an award in the amount of:

Actual/Compensatory	\$9,375.00
Interest	Unspecified
Attorneys' Fees	Unspecified
Other Costs	Unspecified
Other Monetary Relief	Unspecified

OTHER ISSUES CONSIDERED & DECIDED

By letter dated February 8, 2006, Claimant opted to proceed against Respondent Ferguson pursuant to Rule 10314(e) of the NASD Code of Arbitration Procedure ("Code").

The arbitrator determined that Respondent Ferguson was properly served notice of the Statement of Claim and Notification of the Arbitrator by certified mail, and that Respondent Ferguson is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

AWARD

The undersigned arbitrator has decided and determined in full and final resolution of the issues for determination as follows:

- 1) Respondent, Howell G. Ferguson, is liable for and shall pay to Claimant, Edward D. Jones & Co., the sum of \$6,250.00 in compensatory damages;
- 2) Respondent, Howell G. Ferguson, is liable for and shall pay to Claimant, Edward D. Jones & Co., the sum of \$755.30 in attorneys' fees pursuant to the terms of the employment agreement;
- 3) Other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter; and
- 4) Any relief not specifically enumerated is hereby denied with prejudice.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee = \$ 500.00

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 person at the time of the events giving rise to the dispute. In this matter, the member firm is Edward D. Jones & Co.

Member surcharge = \$ 325.00

Forum Fees and Assessments

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

One (1) Pre-hearing session with the Arbitrator x \$250.00 = \$ 250.00

Pre-hearing conference: June 21, 2005 1 session

The Arbitrator assesses a forum fee for an Award issued under the Default Proceedings. Fees associated with these proceedings are:

Default Proceedings = \$ 300.00

Total Forum Fees = \$ 550.00

FEE SUMMARY

Claimant, Edward D. Jones & Co., is liable for:

Initial Filing Fee	= \$ 500.00
Member Fees	= \$ 325.00
<u>Forum Fees</u>	<u>= \$ 550.00</u>
Total Fees	= \$1,375.00
<u>Less payments</u>	<u>= \$1,075.00</u>

Balance Due NASD Dispute Resolution = \$ 300.00

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

ARBITRATOR

Edmund Grey – Non-Public Arbitrator, Presiding Chair

Arbitrator:

/s/ Edmund Grey
Edmund Grey
Non-Public Arbitrator, Presiding Chair

05/04/06
Signature Date

05/04/06
Date of Service (For NASD office use only)

Balance Due NASD Dispute Resolution

= \$ 300.00

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

ARBITRATOR

Edmund Grey – Non-Public Arbitrator, Presiding Chair

Arbitrator:


Edmund Grey
Non-Public Arbitrator, Presiding Chair

5/4/06
Signature Date

Date of Service (For NASD office use only)