
**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Names of the Claimants

Case Number: 05-02400

Stacey S. Muller as custodian for Thomas U. Muller, Jr.
Stacey S. Muller as Trustee of the Thomas U. Muller, Jr. Trust
Thomas U. and Stacey S. Muller as Trustees
of the Stacey S. Muller Trust
Thomas U. and Stacey S. Muller as Trustees
of the Thomas U. Muller Trust
College Savings Plan FBO Thomas U. Muller, Jr.,
Dr. Thomas U. Muller
Stacey S. Muller

Names of the Respondents

Hearing Site: Atlanta, Georgia

A.G. Edwards & Sons, Inc.
Roslyn Carter
Peter Sayre
Richard Win Sheffield

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

REPRESENTATION OF PARTIES

For Stacey S. Muller as custodian for Thomas U. Muller, Jr., Stacey S. Muller as Trustee of the Thomas U. Muller, Jr. Trust, Thomas U. and Stacey S. Muller as Trustees of the Stacey S. Muller Trust, Thomas U. and Stacey S. Muller as Trustees of the Thomas U. Muller Trust, College Savings Plan FBO Thomas U. Muller, Jr., Dr. Thomas U. Muller, and Stacey S. Muller, hereinafter collectively referred to as "Claimants": Avery B. Goodman, Esq., A.B. Goodman Law Firm, Ltd., Fort Collins, Colorado.

For A.G. Edwards & Sons, Inc. ("AGE"), Roslyn Carter ("Carter"), Peter Sayre ("Sayre"), and Richard Win Sheffield ("Sheffield"), hereinafter collectively referred to as "Respondents": Clay L. Grumke, Vice President and Counsel, AGE, St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on or about: May 6, 2005.

Amended Statement of Claim filed by Claimants on or about: October 3, 2005.

Claimants signed the Uniform Submission Agreement: April 20, 2005.

Statement of Answer filed by Respondents AGE, Carter and Sayre on or about: June 28, 2005.

Respondent AGE signed the Uniform Submission Agreement: June 28, 2005.

Respondent Carter signed the Uniform Submission Agreement: May 31, 2005.

Respondent Sayre signed the Uniform Submission Agreement: June 14, 2005.

Claimants' Motion for Leave to Amend Statement of Claim to Add Respondent filed on or about: September 7, 2005.

Respondent Sheffield adopted the June 28, 2005 Statement of Answer filed by Respondents AGE, Carter and Sayre on or about: December 28, 2005.

Respondent Sheffield signed the Uniform Submission Agreement: November 29, 2005.

Claimants' Motion for Spoilation Sanctions filed on or about: April 24, 2006.

Respondents' Response to Claimants' Motion for Spoilation Sanctions filed on or about: April 27, 2006.

CASE SUMMARY

Claimants alleged the following causes of action in the Statement of Claim: 1) negligence; 2) violation of NASD Rule 2310; 3) violation of Georgia's Blue Sky laws prohibiting dishonest and unethical conduct; 4) negligent misrepresentation; 5) breach of fiduciary duty; 6) professional negligence; 7) failure to adequately supervise; 8) breach of contract; 9) misrepresentations; 10) churning; and, 11) unsuitability. The causes of action relate to the unspecified allocation of assets in Claimants' accounts.

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

RELIEF REQUESTED

Claimants requested: 1) compensatory damages in the amount of \$1,000,000.00; 2) punitive damages in the amount of \$2,000,000.00; 3) pre-judgment interest in the amount of \$128,913.63; 4) costs; 5) attorneys' fees; and, 6) treble damages pursuant to the Georgia Securities Act.

Respondents requested that: 1) the Statement of Claim, as amended, be dismissed in its entirety; 2) all costs of this proceeding be assessed to Claimants; 3) this proceeding be expunged from the registration records of Respondents Carter, Sayre and Sheffield maintained by the NASD Central Registration Depository ("CRD"); and, 4) the undersigned arbitrators (the "Panel") grant Respondents such other relief as the Panel deemed appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

On or about October 3, 2005, the Panel entered an order which granted Claimants' Motion for Leave to Amend Statement of Claim.

During the evidentiary hearing, at the close of Claimants' case, Respondents made the following motions: 1) motion to dismiss Claimants' market timing allegations; 2) motion to dismiss Respondent Sayre and expunge his record; and, 3) motion to dismiss the remainder of Claimants' Statement of Claim. Following the argument of counsel, the Panel granted Respondents' motion to dismiss Claimants' market timing allegations and motion to dismiss Respondent Sayre and expunge his record and denied Respondents' motion to dismiss the remainder of Claimants' Statement of Claim.

During the evidentiary hearing, the Panel determined to hold Claimants' Motion for Spoilation Sanctions in abeyance with leave to renew with specific adverse inferences to be drawn by the Panel. Claimants did not pursue the Motion further and did not request the specific adverse inference desired.

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, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimants' Statement of Claim is dismissed, with prejudice.

The Panel recommends the expungement of all references to the above-captioned arbitration from Respondents Carter, Sayre, and Sheffield's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notice to Members 04-16, Respondents Carter, Sayre, and Sheffield 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 Panel has made the following affirmative finding of fact:

The Panel found the claim, allegation, or information to be false as to all Respondents.

Any and all claims for relief not specifically addressed herein, including Claimants' requests for punitive and treble damages, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), the following fees are assessed:

Filing Fees

NASD will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 600.00

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. Accordingly, Respondent AGE is a party and a member firm.

Member surcharge	= \$2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were assessed during these proceedings.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No three-day cancellation fees were assessed during these proceedings.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

There were no injunctive relief fees assessed during these proceedings.

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:

One (1) Pre-hearing session with a single arbitrator @ \$450.00 per session	= \$ 450.00
Pre-hearing conference: February 1, 2006 1 session	

One (1) Pre-hearing session with the Panel @ \$1,200.00 per session	= \$ 1,200.00
Pre-hearing conference: August 30, 2005 1 session	

Eleven (11) Hearing Sessions @ \$1,200.00 per session	= \$13,200.00
Hearing sessions:	
May 1, 2006 2 sessions	
May 2, 2006 2 sessions	
May 3, 2006 3 sessions	
May 4, 2006 2 sessions	
May 5, 2006 2 sessions	

Total Forum Fees	= \$14,850.00
------------------	---------------

The Panel has assessed the total forum fees of \$14,850.00 to Claimants, jointly and severally.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 600.00
Forum Fees	= \$14,850.00
Total Fees	= \$15,450.00
Less payments	= \$ 1,800.00
Balance Due NASD Dispute Resolution	= \$13,650.00

Respondent AGE is solely liable for:

Member Fees	= \$ 8,550.00
Total Fees	= \$ 8,550.00
Less payments	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Harry G. Mason, J.D.	-	Public Arbitrator, Presiding Chairperson
Mollie Wagner Neal, Esq.	-	Public Arbitrator
Dimitri Angelo Dodys	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____/s/
Harry G. Mason, J.D.
Public Arbitrator, Presiding Chairperson

5/17/06
Signature Date

_____/s/
Mollie Wagner Neal, Esq.
Public Arbitrator

5/18/06
Signature Date

NASD Dispute Resolution

Arbitration No. 05-02400

Award Page 6

/s/

Dimitri Angelo Dodys

Non-Public Arbitrator

5/18/06

Signature Date

5/18/06

Date of Service (For NASD Dispute Resolution office use only)

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 600.00
Forum Fees	= \$14,850.00
Total Fees	= \$15,450.00
Less payments	= \$ 1,800.00
Balance Due NASD Dispute Resolution	= \$13,650.00

Respondent AGE is solely liable for:


Member Fees	= \$ 8,550.00
Total Fees	= \$ 8,550.00
Less payments	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Harry G. Mason, J.D.	-	Public Arbitrator, Presiding Chairperson
Mollie Wagner Neal, Esq.	-	Public Arbitrator
Dimitri Angelo Dodye	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Harry G. Mason, J.D.
Public Arbitrator, Presiding Chairperson


Signature Date

Mollie Wagner Neal, Esq.
Public Arbitrator

Signature Date

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 600.00
Forum Fees	= \$14,850.00
<u>Total Fees</u>	= \$15,450.00
<u>Less payments</u>	= \$ 1,800.00
Balance Due NASD Dispute Resolution	= \$13,650.00

Respondent AGE is solely liable for:

Member Fees	= \$ 8,550.00
<u>Total Fees</u>	= \$ 8,550.00
<u>Less payments</u>	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Harry G. Mason, J.D.	-	Public Arbitrator, Presiding Chairperson
Mollie Wagner Neal, Esq.	-	Public Arbitrator
Dimitri Angelo Dodys	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Harry G. Mason, J.D.
Public Arbitrator, Presiding Chairperson

Signature Date



Mollie Wagner Neal, Esq.
Public Arbitrator

Signature Date

NASD Dispute Resolution

Arbitration No. 05-02400

Award Page 6

Dimitri Angelo Dodys
Dimitri Angelo Dodys

Dimitri Angelo Dodys
Non-Public Arbitrator

5-18-2006
Signature Date

Signature Date

Date of Service (For NASD Dispute Resolution office use only)