

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Janice Lynn Griffin,
Claimant,

Case Number: 05-03270

Hearing Site: Milwaukee, Wisconsin

v.

Freedom Investors Corporation,
James Fay and Hans Wegesser,
Respondents.

Nature of the Dispute: Customer vs. Member Firm and Associated Persons

REPRESENTATION OF PARTIES

Janice Lynn Griffin, ("Griffin"), hereinafter referred to as "Claimant": Thomas F. Burke, Esq. of Thomas F. Burke, P.C., located in Chicago, Illinois.

Respondent, Freedom Investors Corporation ("Freedom Investors"), hereinafter referred to as "Respondent": Peter B. Schaeffer, Esq. and Amy Siesennop, Esq. of Freedom Investors Corporation, located in Hartland, Wisconsin.

CASE INFORMATION

Statement of Claim filed on or about: June 28, 2005

Griffin signed the Uniform Submission Agreement: June 23, 2005

Statement of Answer filed by Respondent Freedom Investors on or about: September 8, 2005

Respondent Freedom signed the Uniform Submission Agreement: August 18, 2005

Respondents, James Fay and Hans Wegesser, did not file an Answer to the Statement of Claim or a Uniform Submission Agreement.

CASE SUMMARY

Griffin asserted the following causes of action: breach of contract, breach of fiduciary duty, misrepresentations, omissions and suitability. The causes of action relate to various America Skandia Advisor Funds, specifically, Marsico Capital Growth B; Neuberger Berman Mid-Cap Growth B; T. Rowe Price Int'l Equity B; Janus Capital Growth B; Janus Overseas Growth B; Frontier Equity Fund; Security Funds Ultra Class A; and individual equities owned by Frontier Equity (Customtracks Corp., Mitek Systems, Inc., Rsi Systems, Inc. and Vtel Corp.). Griffin asserted that Respondents made recommendations that were unsuitable to her investment needs and objectives.

Unless specifically admitted in its Answer, Respondent, Freedom Investors, denied the allegations made in the Statement of Claim and asserted various affirmative defenses: (1) Claimant has failed

to state any claim upon which relief can be granted; (2) Claimant ratified the transactions in question; (3) Claimant's action is barred by the doctrines of laches, waiver and estoppel; (4) Claimant failed to mitigate her damages; (5) Market conditions and other factors beyond the control of Freedom Investors are the cause of any damages suffered by Claimant; and (6) Claimant has no contractual or statutory basis for an award of attorney's fees.

RELIEF REQUESTED

Claimant requested \$100,000.00 in compensatory damages, plus fees, costs, interest and punitive damages.

Respondent, Freedom Investors, requested that the claims asserted against them be denied in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators (the "Panel") determined that Respondent, Hans Wegesser, has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent Wegesser did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code, and is bound by the determination of the Panel on all issues submitted.

On or about July 26, 2005, NASD was notified by Mrs. Mary Fay, spouse of Respondent James Fay, that Respondent Fay died in 2002.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Any and all claims asserted by Claimant, Janice Lynn Griffin, are denied.
2. Any and all claims asserted against Respondent, James Fay, are dismissed without prejudice.
3. Any and all claims asserted against Respondent, Hans Wegesser, are dismissed without prejudice.
4. Except as otherwise specified herein, parties shall bear their own costs, including attorneys' fees.
5. Any and all relief not specifically addressed herein, including punitive damages, are 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 = \$ 225.00

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 persons at the time of the events giving rise to the dispute. Accordingly, Freedom Investors Corporation, is a party and is assessed the following fees:

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. 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:

Four (4) Hearing sessions @ \$750.00 = \$3,000.00

Hearing Dates:	February 22, 2006	2 sessions
	February 23, 2006	2 sessions

Total Forum Fees = \$3,000.00

1. The Panel has assessed 50% of the total forum fees in the amount of \$1,500.00 solely to Claimant Janice Lynn Griffin.
2. The Panel has assessed 50% of the total forum fees in the amount of \$1,500.00 solely to Respondent, Freedom Investors Corporation.

Fee Summary

1. Claimant, Janice Lynn Griffin, is solely liable for:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	<u>= \$1,500.00</u>
Total Fees	= \$1,725.00
<u>Less payments</u>	<u>= \$1,425.00</u>
Balance Due NASD Dispute Resolution	= \$ 300.00

2. Respondent, Freedom Investors Corporation, is solely liable for:

Member Fees	= \$3,550.00
<u>Forum Fees</u>	<u>= \$1,500.00</u>
Total Fees	= \$5,050.00
<u>Less payments</u>	<u>= \$3,550.00</u>
Balance Due NASD Dispute Resolution	= \$1,500.00

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

ARBITRATION PANEL

Percy L. Julian, Jr., Esq.	-	Public Arbitrator, Presiding Chairperson
Ted Finman, Esq.	-	Public Arbitrator
Donald V. Anderson	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/ Percy L. Julian, Jr., Esq.
Percy L. Julian, Jr., Esq.
Public Arbitrator, Presiding Chairperson

4/19/06
Signature Date

/s/ Ted Finman
Ted Finman, Esq.
Public Arbitrator

4/18/06
Signature Date

/s/ Donald V. Anderson
Donald V. Anderson
Non-Public Arbitrator

4/18/06
Signature Date

4/19/06
Date of Service (For NASD Dispute Resolution use only)

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Balance Due NASD Dispute Resolution	= \$1,500.00

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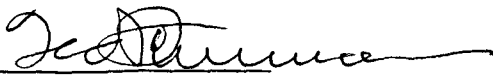
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