

**STIPULATED AWARD
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Name of Claimant

Dennis Bruer

vs.

Case Number: 05-04701
Hearing Site: Milwaukee, Wisconsin

Names of Respondents

Genworth Financial Securities Corporation,
f/k/a Terra Securities Corporation,
Hochman & Baker Securities, Inc. and
Denis Alan Poffenberger

NATURE OF THE DISPUTE

Customer vs. Member and Associated Person

REPRESENTATION OF PARTIES

Dennis Bruer ("Claimant") was represented by Rosalind M. Robertson, Esq. and Nicholas P. Iavarone, Esq., Simmons Cooper, LLC, East Alton, Illinois.

Genworth Financial Securities Corporation, f/k/a Terra Securities Corporation, and Hochman & Baker Securities, Inc. and Denis Alan Poffenberger, hereinafter collectively referred to as "Respondents," were represented by David D. Hudgins, Esq. and Debra S. Stafford, Esq., Hudgins Law Firm, P.C., Alexandria, Virginia.

CASE INFORMATION

The Statement of Claim was filed on or about September 8, 2005. The Submission Agreement of Claimant was signed on or about September 1, 2005. Claimant filed a Response to Respondents' Motion to Dismiss on or about February 13, 2006.

The Statement of Answer and Motion to Dismiss was jointly filed by Respondents, Genworth Financial Securities Corporation, f/k/a Terra Securities Corporation, Hochman & Baker Securities, Inc. and Denis Alan Poffenberger, on or about November 30, 2005. The Submission Agreement of Respondent, Genworth Financial Securities Corporation, f/k/a Terra Securities Corporation, was signed on or about November 22, 2005. The Submission Agreement of Respondent, Hochman & Baker Securities, Inc., was signed on or about November 22, 2005. The Submission Agreement of Respondent, Denis Alan

Poffenberger, was signed on or about November 15, 2005. Respondents filed a Reply Memorandum in Support of the Motion to Dismiss on or about February 16, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty; breach of contract; violation of the Securities Exchange Act; Violation of the Wisconsin Uniform Securities Law; Violation of the Wisconsin Deceptive Trade Practices Act; and negligence. The causes of action relate to Claimant's allegation that Respondents' rolled his 401k account assets over to an array of AIM mutual funds including AIM Weingarten Fund, AIM Constellation Fund, AIM Charter Fund, AIM Global Growth Fund, AIM Value Fund, AIM Aggressive Growth Fund, AIM Cash Reserve Fund, AIM Cash Reserve Shares and AIM Blue Chip Fund. Claimant alleged his investments in these funds were essentially all stocks concentrated in the technology sector which was in contradiction to his desire for a conservative income strategy.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted affirmative defenses including the following: the Statement of Claim fails to state a claim against Respondents upon which relief can be granted; Claimant's claims are barred by his assumption of risk; Claimant's claims for damages are barred and/or reduced by his contributory negligence; Claimant voluntarily and knowingly invested his funds in the stock market, and assumed the risk of gains and losses; Claimant's damages are caused solely by his own failure to mitigate damages; Claimant's claims are barred because he directed the conduct complained of in the Statement of Claim; and Claimant's claimed damages, if any, were caused by his own actions or omissions, or by third parties over whom these respondents had no control.

RELIEF REQUESTED

Claimant requested an award in the amount of:

Actual/Compensatory Damages	\$ 181,210.00
Exemplary/Punitive Damages	Unspecified
Interest	Unspecified
Attorneys' Fees	Unspecified
Other Costs	Unspecified
Other Monetary Relief, if any	Unspecified

Respondents requested that the claims asserted against them be denied in their entirety and that they be awarded their costs and attorneys' fees. Respondent, Denis Alan Poffenberger, requested expungement of all references to this matter from his CRD record.

OTHER ISSUES CONSIDERED & DECIDED

The Statement of Claim incorrectly identified the Respondents as Genworth Financial Securities Corporation, a/k/a Terra Securities Corporation, f/k/a Hochman & Baker Securities, Inc., and Denis Alan Poffenberger.

On February 28, 2006, the Panel entered an Order in regard to Respondents' Motion to Dismiss. The Panel denied the motion.

On or about September 19, 2006, the parties advised NASD Dispute Resolution that they entered into an agreement to resolve this matter on certain terms and conditions set forth in a confidential settlement agreement.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies. The parties have agreed to receive conformed copies of the award while the original remain on file with the NASD Dispute Resolution (the "NASD").

AWARD

After considering the pleadings and the stipulation of the parties, but without making any findings of fact or conclusions of law, the Panel orders as follows:

- 1.) Any and all claims asserted in this matter against Respondents, Genworth Financial Securities Corporation, f/k/a Terra Securities Corporation, and Hochman & Baker Securities, Inc. and Denis Alan Poffenberger are hereby withdrawn and dismissed, with prejudice, pursuant to the parties' agreement, and this matter is dismissed in its entirety;
- 2.) Except as may otherwise be specified in the parties' confidential settlement agreement and herein, the parties shall bear their own fees and costs; and
- 3.) Any and all relief not specifically addressed herein, including expungement and punitive damages, is denied.

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 = \$ 300.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated persons at the time of the events giving rise to the dispute. In this matter, the member firms are Genworth Financial Securities Corporation, f/k/a Terra Securities Corporation.

Member surcharge = \$ 1,750.00
Pre-hearing process fee = \$ 750.00
Hearing process fee = \$ 2,750.00

Forum Fees and Assessments

The Panel has assessed forum fees for each hearing 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 last four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with Panel x \$1,125.00.00 = \$ 2,250.00
Pre-hearing conferences: January 23, 2006 1 session
February 28, 2006 1 session

Total Forum Fees = \$ 2,250.00

The Panel has assessed \$1,125.00 of the forum fees to Claimant.

The Panel has assessed \$1,125.00 of the forum fees jointly and severally to Genworth Financial Securities Corporation, a/k/a Terra Securities Corporation, f/k/a Hochman & Baker Securities, Inc. and Denis Alan Poffenberger.

FEE SUMMARY

Claimant, Dennis Bruer, is liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,425.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent, Genworth Financial Securities Corporation, a/k/a Terra Securities Corporation, is liable for:

<u>Member Fees</u>	= \$ 5,200.00
<u>Total Fees</u>	= \$ 5,200.00
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents, Genworth Financial Securities Corporation, a/k/a Terra Securities Corporation, Hochman & Baker Securities, Inc. and Denis Alan Poffenberger, are jointly and severally liable for:

<u>Forum Fees</u>	= \$ 1,125.00
<u>Total Fees</u>	= \$ 1,125.00
<u>Less payments</u>	= \$ 1,125.00
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

P.J. Boylan, Esq. - Public Arbitrator, Presiding Chair
Jerry D. McCormack, Esq. – Public Arbitrator
Brian E. Slotky - Non-Public Arbitrator

Concurring Arbitrators' Signatures:

/s/ P.J. Boylan, Esq.
P.J. Boylan, Esq.
Public Arbitrator, Presiding Chair

December 7, 2006
Signature Date

/s/ Jerry D. McCormack, Esq.
Jerry D. McCormack, Esq.
Public Arbitrator

December 7, 2006
Signature Date

/s/ Brian E. Slotky
Brian E. Slotky
Non-Public Arbitrator

December 11, 2006
Signature Date

December 19, 2006
Date of Service (For NASD office use only)

ARBITRATION PANEL

P.J. Boylan, Esq. - Public Arbitrator, Presiding Chair
Jerry D. McCormack, Esq. - Public Arbitrator
Brian E. Slotky - Non-Public Arbitrator

Concurring Arbitrators' Signatures:

P.J. Boylan
P.J. Boylan, Esq.
Public Arbitrator, Presiding Chair

7 Dec 2006
Signature Date

Jerry D. McCormack, Esq.
Public Arbitrator

Signature Date

Brian E. Slotky
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

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P.J. Boylan, Esq. - Public Arbitrator, Presiding Chair
Jerry D. McCormack, Esq. - Public Arbitrator
Brian E. Slotky - Non-Public Arbitrator

Concurring Arbitrators' Signatures:

P.J. Boylan, Esq.
Public Arbitrator, Presiding Chair

Signature Date



Jerry D. McCormack, Esq.
Public Arbitrator

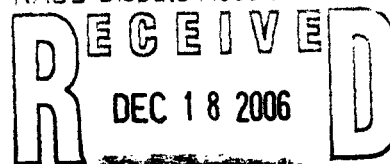
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Signature Date

Brian E. Slotky
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)



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Jerry D. McCormack, Esq. - Public Arbitrator
Brian E. Slotky - Non-Public Arbitrator

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Public Arbitrator, Presiding Chair

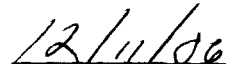
Signature Date

Jerry D. McCormack, Esq.
Public Arbitrator

Signature Date



Brian E. Slotky
Non-Public Arbitrator



Signature Date

Date of Service (For NASD office use only)