

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 06-00209

Seasons Nursery, Inc., (Claimant) vs. Financial Network Investment Corporation and R. Carole Wiberg, (Respondents)

ATTORNEYS:

For Claimant appeared Steven P. Fisher, Esq., of the firm Sanders, Bruin, Coll & Worley, P.A., Roswell, NM.

For Respondents appeared Edwin A. Barkel, Esq., of the firm Lewis and Roca LLP, Phoenix, AZ.

NATURE OF DISPUTE:: Customer v. Member and Associated Person

DATE FILED: January 13, 2006

CASE SUMMARY: Claimant alleged that Respondents breached their fiduciary duty and misrepresented facts regarding investments. Claimant maintained that due to Respondents' actions, it suffered a financial loss. Claimant's claim involved various mutual funds.

Claim Data

Claim: \$13,716.00
Attorney Fees: \$1,350.94
Filing Fees: \$100.00
Other: \$4,477.04

Award Data

Award: \$.00
Attorney Fees: \$.00
Filing Fees: \$.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of the Claimant are dismissed in their entirety. 2) All requests for attorney fees are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 5) Respondent R. Carole Wiberg's request for expungement is denied.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Financial Network Investment Corporation, has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.


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Award 06-00209

Ross B. Perkal, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Ross B. Perkal, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



Ross B. Perkal, Esq.



(Signature Date)

June 23, 2006
Date of Service (For NASD-DR office use only)