
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Joseph Weinstein

Case Number: 06-01621

Name of the Respondent
A.G. Edward & Sons, Inc.

Hearing Site: Boca Raton, Florida

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

Joseph Weinstein, hereinafter referred to as "Claimant", appeared pro se.

For A.G. Edward & Sons, Inc., hereinafter referred to as "Respondent": Nancy Anderson Tayborn, Esq., Counsel, A. G. Edwards, St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on or about: March 29, 2006.
Claimant signed the Uniform Submission Agreement: March 28, 2006.
Statement of Answer filed by Respondent on or about: June 2, 2006.
Respondent signed the Uniform Submission Agreement: June 2, 2006.
Amended Answer of Respondent filed on or about: June 9, 2006.
Brief filed by Claimant on or about: August 3, 2006.
Second Amended Answer filed by Respondent on or about: August 4, 2006.
Brief filed by Claimant on or about: August 15, 2006.
Supplemental Answer filed by Respondent on or about: October 6, 2006.
Brief filed by Claimant on or about: October 13, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract; suitability; breach of fiduciary duty; and, respondeat superior. The causes of action relate to Claimant's investment in TXU Europe Capital preferred stock.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$20,675.00; interest; costs; and, other relief as deemed just.

Respondent requested: that Claimant's Statement of Claim be dismissed, with prejudice, in its entirety; costs and expenses; and, for all such other relief deemed proper.

OTHER ISSUES CONSIDERED AND DECIDED

During the telephonic pre-hearing conference on August 8, 2006, the parties agreed that, in lieu of conducting an evidentiary hearing, the Arbitrator make a final determination of this matter on the papers. On or about August 18, 2006, the Arbitrator issued an order granting the request and permitting the parties to submit additional briefs and motions.

AWARD

After considering the pleadings and the record in this matter, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims against Respondent A.G. Edwards & Sons are denied.
2. Insufficient evidence was presented to justify a finding of misconduct against Respondent A.G. Edwards & Sons, therefore there can be no finding of wrongdoing, nor any award. The evidence suggests that the management of TXU allegedly issued false and misleading statements to the entire market and the public and, if so, they should bear the consequences. No evidence suggested that Respondent A.G. Edwards & Sons knew, or should have known, of the alleged fraud by TXU before the public disclosure.
3. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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	= \$125.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent is a party and a member firm.

Member surcharge	= \$425.00
Total Member Fees	= \$425.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were assessed in this matter.

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 in this matter.

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.

No injunctive relief fees were assessed in this matter.

Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted. A 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 @ \$450.00/session = \$450.00
Pre-hearing conference: August 8, 2006 1 session

Total Forum Fees	= \$450.00
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The Arbitrator has assessed the total forum fees of \$450.00 to Respondent.

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 not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred in this matter.

Fee Summary

Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$ 125.00
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Total Fees	= \$ 125.00
<u>Less payments</u>	<u>= \$ 125.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent is solely liable for:

Member Fees	= \$ 425.00
Paper Record Fee	= \$ 300.00
<u>Forum Fees</u>	<u>= \$ 450.00</u>
Total Fees	= \$1,175.00
<u>Less payments</u>	<u>= \$ 425.00</u>
Balance Due NASD Dispute Resolution	= \$ 750.00

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

ARBITRATOR

Arnold B. Galperin

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Public Arbitrator

Arbitrator's Signature

/s/
Arnold B. Galperin
Public Arbitrator

January 9, 2007
Signature Date

January 10, 2007
Date of Service (For NASD Dispute Resolution office use only)

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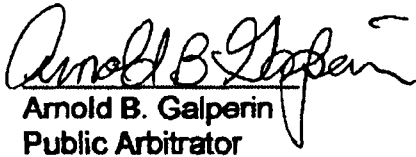
ARBITRATOR

Arnold B. Galperin

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Signature Date

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