

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 06-02158

Robert R. and Delores J. Gehrking, (Claimants) vs. Michael Kriewald, Jane L. Lawless, Associated Investment Services, Inc. and Primevest Financial Services, Inc., (Respondents)

ATTORNEYS:

Claimants appeared *pro se*, LaCrosse, WI.

For Respondents Primevest Financial Services, Inc. and Jane L. Lawless appeared James J. Moylan, Esq., of the firm James J. Moylan and Associates PC, Steamboat Springs, CO.

For Respondent Associated Investment Services, Inc. appeared Laura Gramling Perez, Esq., of the firm Reinhart Boerner Van Dueren, Milwaukee, WI.

Respondent Michael Kriewald appeared *pro se*, Onalaska, WI.

NATURE OF DISPUTE: Customers v. Members and Associated Persons

DATE FILED: April 27, 2006

CASE SUMMARY: Claimants alleged that Respondents breached their fiduciary duty by placing them in investments that were unsuitable for their needs. Claimants further alleged breach of contract, unauthorized trading, misrepresentation, churning, misappropriation of funds, failure to supervise and conversion. Claimants maintained that due to Respondents' actions, they suffered a financial loss. Claimants' claim involved common stock.

Claim Data

Claim: \$16,938.00
Punitive: Unspecified
Interest: \$37,055.00
Attorney Fees: Unspecified
Filing Fees: \$1,126.00

Award Data

Award: \$4,388.19
Punitive: \$.00
Interest: \$.00
Attorney Fees: \$.00
Filing Fees: \$425.00

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 Claimants against Respondents Jane L. Lawless and Primevest Financial Services, Inc. are dismissed in their entirety. 2) Respondents Michael Kriewald and Associated Investment Services, Inc. are jointly and severally liable and shall pay to the Claimants \$4,388.19. 3) All requests for attorney fees are denied. 4) All requests for punitive damages are denied. 5) All requests for interest are

denied. 6) All other relief requests are denied. 7) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 8) Respondents Michael Kriewald and Associated Investment Services, Inc. are jointly and severally liable and shall pay Claimant \$425.00 as reimbursement of the filing fee. 9) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Jane L. Lawless's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Jane L. Lawless 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 of the NASD Code of Arbitration Procedure, the arbitration panel has made the following affirmative findings of fact: The claim, allegation, or information is factually impossible or clearly erroneous and Jane L. Lawless was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds.

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

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

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Terry F. Peppard, Esq.

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Sole Public Arbitrator

AFFIRMATION

I, Terry F. Peppard, 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.



Terry F. Peppard, Esq.



(Signature Date)

January 12, 2007

Date of Service (For NASD-DR office use only)