
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Ellen Gerson

Case Number: 06-03028

Names of the Respondents
Scott & Stringfellow, Inc.
Amber E. Moring
Mark R. French
Dean A. Cutliffe

Hearing Site: Raleigh, North Carolina

Nature of the Dispute: Customer vs. Associated Person and Member.

REPRESENTATION OF PARTIES

For Ellen Gerson ("Gerson"), hereinafter referred to as "Claimant": Michael B. Lynch, Esq., Levin Papantonio Thomas Mitchell Eschsner & Proctor, P.A., Pensacola, Florida.

For Scott & Stringfellow, Inc. ("SS"), Amber E. Moring ("Moring"), Mark R. French ("French") and Dean A. Cutliffe ("Cutliffe"), hereinafter collectively referred to as "Respondents": Jeffrey H. Gray, Esq., LeClair Ryan, Virginia Beach, Virginia.

CASE INFORMATION

Statement of Claim filed on or about: June 23, 2006.

Claimant signed the Uniform Submission Agreement: May 31, 2006.

Statement of Answer filed by Respondents SS, Moring and Cutliffe on or about: September 28, 2006.

Respondent French did not file a Statement of Answer.

Respondents SS, Moring, Cutliffe and French did not file executed Uniform Submission Agreements.

CASE SUMMARY

Claimant asserted the following causes of action: 1) excessive trading and/or churning; 2) unsuitable investments; 3) unauthorized trading; 4) material omissions; 5) false and misleading statements; and 6) failure to supervise. The causes of action relate to Claimant's investments in, including but not limited to, Dell Computer, Lucent, Compaq Computer, Sequent Computer and Disney.

Unless specifically admitted in their Answer, Respondents SS, Moring and Cutliffe denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested: 1) compensatory damages in the amount of \$196,088.07; 2) unspecified well-managed account damages; 3) unspecified punitive damages; 4) attorneys' fees; and 5) any and all other relief to which they are entitled and/or the undersigned arbitrators (the "Panel") deemed just and proper.

Respondents SS, Moring and Cutliffe requested: 1) dismissal of the Statement of Claim; 2) expungement of this matter from the Central Registration Depository ("CRD") records of Respondents Moring, Cutliffe and French; and 3) such other and further relief as the Panel deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant previously dismissed Respondent French, without prejudice, as being named in error and not involved in the wrongdoing alleged in the Statement of Claim. Respondent French participates in this Stipulated Award only with respect to his joint request with Claimant that he be granted an expungement of all reference to the above-captioned arbitration from registration records maintained by the NASD CRD.

Respondents SS, Moring and Cutliffe did not file with NASD Dispute Resolution properly executed Uniform Submission Agreements but are required to submit to arbitration pursuant to the Code and, having answered the claim, are bound by the determination of the Panel on all issues submitted.

Respondent French 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 August 2, 2006, Claimant filed with NASD Dispute Resolution a notice of dismissal without prejudice as to Respondent French.

On or about January 5, 2007, the parties entered into a Settlement Agreement and Release which included, among other things, an agreement to present to the Panel a Stipulated Award.

On or about January 8, 2007, the parties filed with NASD Dispute Resolution a notice of settlement and requested a hearing on the entry of a proposed Stipulated Award. On or about January 9, 2007, the parties filed with NASD Dispute Resolution a proposed Stipulated Award for review and approval by the Panel. On or about January 12, 2007, the parties filed with NASD Dispute Resolution a revised, proposed Stipulated Award for review and approval by the Panel.

On or about January 12, 2007, the Panel held an evidentiary hearing on the entry of the proposed Stipulated Award and on the issue of expungement of the CRD records of Respondent French. On or about January 17, 2007, the Panel entered an order wherein it approved the parties' proposed Stipulated Award and granted Respondent French's request for expungement of this matter from his CRD records.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, argument at hearing and proposed Stipulated Award, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent SS will pay to Claimant the sum specified in the Settlement Agreement and Release.
- 2) Each party shall bear their own costs and expenses, except as provided in the Settlement Agreement and Release.
- 3) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent French's registration records maintained by the CRD, with the understanding that pursuant to NASD Notices to Members 04-16, Respondent French 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:

- A) The claim or allegation is clearly erroneous as to Respondent French; and
 - B) Respondent French was not involved in the alleged investment-related sales practice violation.
- 4) Any and all relief not addressed specifically herein, including Claimant's request for punitive damages, are denied and the Statement of Claim is dismissed with prejudice.

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	= \$ 300.00
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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 SS is a member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Total Member Fees	= \$2,450.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournments were requested 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.

Injunctive relief fees were not 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.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Hearing session @ \$1,125.00/session		= \$1,125.00
Hearing session:	January 12, 2007	1 session
Total Forum Fees		= \$1,125.00

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

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

There were no administrative costs incurred in this matter.

Fee Summary

Claimant is solely 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 SS is solely liable for:

Member Fees	= \$2,450.00
Total Fees	= \$2,450.00
Less Payments	= \$2,450.00
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

<i>Charles Weill, Jr.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Karen J. Montgomery</i>	-	<i>Public Arbitrator</i>
<i>Thomas Doyle Blum, Jr.</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

_____/s/_____
Charles Weill, Jr.
Public Arbitrator, Presiding Chairperson

January 22, 2007
Signature Date

_____/s/_____
Karen J. Montgomery
Public Arbitrator

January 22, 2007
Signature Date

_____/s/_____
Thomas Doyle Blum, Jr.
Non-Public Arbitrator

January 22, 2007
Signature Date

January 23, 2007

Date of Service (For NASD Dispute Resolution office use only)

There were no administrative costs incurred in this matter.

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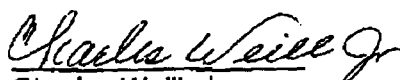
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Karen J. Montgomery	- Public Arbitrator
Thomas Doyle Blum, Jr.	- Non-Public Arbitrator

Concurring Arbitrators' Signatures


Charles Weill, Jr.
Public Arbitrator, Presiding Chairperson

JAN. 22, 2007
Signature Date

Karen J. Montgomery
Public Arbitrator

Signature Date

Thomas Doyle Blum, Jr.
Non-Public Arbitrator

Signature Date

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Concurring Arbitrators' Signatures

Charles Weill, Jr.
Public Arbitrator, Presiding Chairperson

Signature Date



Karen J. Montgomery
Public Arbitrator

1/22/07

Signature Date

Thomas Doyle Blum, Jr.
Non-Public Arbitrator

Signature Date

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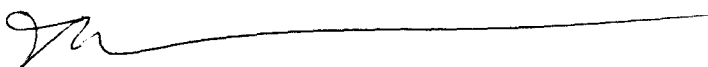
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Public Arbitrator, Presiding Chairperson

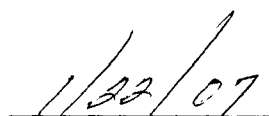
Signature Date

Karen J. Montgomery
Public Arbitrator

Signature Date



Thomas Doyle Blum, Jr.
Non-Public Arbitrator



Signature Date