
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Annie Stewart

Case Number: 06-03437

Names of the Respondents
Banc of America Investment Services, Inc.
John Stanley Meroney, Sr.

Hearing Site: Raleigh, North Carolina

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

REPRESENTATION OF PARTIES

For Annie Stewart, hereinafter referred to as "Claimant": George Francisco, Esq., George Francisco, PC, Winston Salem, North Carolina.

For Banc of America Investment Services, Inc. ("BOA") and John Stanley Meroney, Sr. ("Meroney"), hereinafter referred to as "Respondents": Michael J. Bradford, Esq., Tate Lazarini Brady & Guerra, Tampa, Florida.

CASE INFORMATION

Statement of Claim filed on or about: July 24, 2006.

Claimant signed the Uniform Submission Agreement: July 24, 2006.

Answer and Motion to Dismiss filed by Respondents on or about: September 29, 2006.

Respondent BOA signed the Uniform Submission Agreement: August 1, 2006.

Respondent Meroney signed the Uniform Submission Agreement: August 31, 2006.

Response to Motion to Dismiss filed by Claimant on or about: January 10, 2007.

Reply to Claimant's Response to Motion to Dismiss filed by Respondents on or about: January 19, 2007.

CASE SUMMARY

Claimant asserted the following: 1) Unfair and Deceptive Trade Practice pursuant to N.C.G.S. § 58-63-15(1) and § 75-1.1 et seq.; 2) breach of fiduciary duty; 3) constructive fraud based on breach of fiduciary duty; 4) negligent misrepresentation; 5) negligence; 6) respondeat superior and the general principles of agency; and 7) failure to supervise. The causes of action relate to Claimant's investments in variable annuities, including but not limited to, Putnam Hartford Capital Manager and Commonwealth VA Plus.

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

RELIEF REQUESTED

Claimant requested the following: 1) compensatory damages in the amount of \$90,417.82; 2) interest at the legal rate of 8% until the Award is paid in full; 3) treble damages; 4) attorneys' fees; 5) reimbursement of all filing and forum fees; and 6) such other and further relief as the undersigned arbitrators (the "Panel") deemed just and proper.

Respondents requested the following: 1) dismissal of the Statement of Claim, in its entirety; 2) an award of forum fees; 3) interest; 4) costs; and 5) attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

On or about January 30, 2007, the Panel entered an Order and dismissed the above referenced arbitration proceeding. On or about January 31, 2007, the Panel entered an Amended Order and dismissed the above referenced arbitration proceeding with prejudice.

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

AWARD

After considering the pleadings, and the parties' arguments on the Motion to Dismiss at the pre-hearing conference conducted on January 30, 2007, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are dismissed, with prejudice, in their entirety.
2. Any and all claims for relief not specifically addressed herein, including Claimant's and Respondents' requests for attorneys' fees, are denied.

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	= \$ 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 BOA is a member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

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 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 lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with the Panel @ \$1,125.00/session	= \$2,250.00
Pre-hearing conferences: December 14, 2006	1 session
January 30, 2007	1 session

Total Forum Fees	= \$2,250.00
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The Panel has assessed forum fees in the amount of \$1,125.00 to Claimant.

The Panel has assessed forum fees in the amount of \$1,125.00 to Respondents, jointly and severally.

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 BOA is solely liable for:

Member Fees	= \$5,200.00
Total Fees	= \$5,200.00
Less Payments	= \$4,150.00
Balance Due NASD Dispute Resolution	= \$1,050.00

Respondents BOA and Meroney are jointly and severally liable for:

Forum Fees	= \$1,125.00
Total Fees	= \$1,125.00
Less Payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,125.00

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

ARBITRATION PANEL

<i>Michael E. Weddington, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Karen E. Sapp, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Thomas C. Borthwick</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

/s/
Michael E. Weddington, Esq.
Public Arbitrator, Presiding Chairperson

February 2, 2007
Signature Date

/s/
Karen E. Sapp, Esq.
Public Arbitrator

February 1, 2007
Signature Date

/s/

Thomas C. Borthwick
Non-Public Arbitrator

February 2, 2007
Signature Date

February 2, 2007
Date of Service (For NASD Dispute Resolution office use only)

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Public Arbitrator, Presiding Chairperson

Feb. 2, 2007
Signature Date

Karen E. Sapp, Esq.
Public Arbitrator

Signature Date

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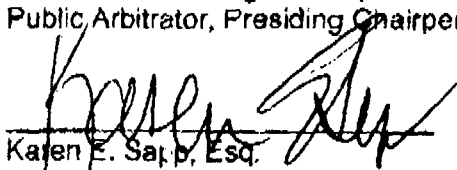
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Karen E. Sapp, Esq.	- Public Arbitrator
Thomas C. Borthwick	- Non-Public Arbitrator

Concurring Arbitrators' Signatures

Michael E. Weddington, Esq.
Public Arbitrator, Presiding Chairperson


Karen E. Sapp, Esq.
Public Arbitrator

Signature Date

2/1/2007
Signature Date

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Thomas C. Borthwick

Thomas C. Borthwick
Non-Public Arbitrator

Feb 1 2007

Signature Date

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