

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 06-03879

Richard and Suzanne Woods, (Claimants) vs. Larry Eppolito and A.G. Edwards & Sons, Inc., (Respondents)

ATTORNEYS:

For Claimants appeared Sarah B. Davis, Esq., of the firm Burns & Levinson, LLP, Boston, MA.

For Respondents appeared in-house counsel Brent J. Burtin, Esq., St. Louis, MO.

NATURE OF DISPUTE: Customers v. Member and Associated Person

DATE FILED: August 24, 2006

CASE SUMMARY: Claimants alleged that Respondents breached their fiduciary duty by misrepresenting material facts regarding investments. Claimants further alleged duplicate and excessive fee charges, negligence and breach of contract. Claimants maintained that due to Respondents' actions, they suffered a financial loss. Claimants' claim involved common stock and mutual funds.

Claim Data

Claim: \$23,450.44
Interest: Unspecified
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$.00
Interest: \$.00
Attorney Fees: \$.00
Filing Fees: \$212.50
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 requests for interest are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 6) Respondent Larry Eppolito is liable and shall pay Claimant \$106.25 as reimbursement of one quarter of the filing fee. 7) Respondent A.G. Edwards & Sons, Inc. is liable and shall pay Claimant \$106.25 as reimbursement of one quarter of the filing fee. 8) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Larry Eppolito's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Larry Eppolito 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

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following affirmative findings of fact: The claim, allegation, or information is factually impossible or clearly erroneous

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent A.G. Edwards & Sons, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Richard D. Rosenbloom, Esq.

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Sole Public Arbitrator

AFFIRMATION

I, Richard D. Rosenbloom, 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.

Richard D. Rosenbloom
Richard D. Rosenbloom, Esq.

1-30-07
(Signature Date)

January 30, 2007
Date of Service (For NASD-DR office use only)