

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Dennis Cook, (Claimant) vs. A.G. Edwards and David A. Fortmeyer, (Respondents).

Case Number: 98-03898

Hearing Site: Ft. Wayne, Indiana

REPRESENTATION OF PARTIES

Claimant Dennis A. Cook ("Claimant") represented himself.

Respondents, A.G. Edwards & Sons, Inc. ("A.G. Edwards") and David A. Fortmeyer ("Fortmeyer"), hereinafter collectively referred to as "Respondents": Jeff Jamieson, Esq., A.G. Edwards & Sons, Inc., St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on or about: October 15, 1998.

Claimant, Dennis A. Cook, signed the Uniform Submission Agreement: October 15, 1998.

Statement of Joint Answer filed by Respondents, A.G. Edwards and Fortmeyer, on or about: December 16, 1998. Respondent, A.G. Edwards, signed the Uniform Submission Agreement: November 4, 1998 by Stephen G. Sneeringer, its Senior Vice-President and Counsel. Respondent, David A. Fortmeyer, signed the Uniform Submission Agreement: November 12, 1998.

CASE SUMMARY

Claimant Dennis A. Cook asserted the following cause of action: Suitability. The cause of action relates to the purchase and sale of Electro Scientific Industries, Morrow Snowboards, Inc. and Euphonix.

Unless specifically admitted in its Answer, Respondents A.G. Edwards and Fortmeyer denied the allegations made in the Statement of Claim and asserted the following defenses: The doctrines of waiver, estoppel, ratification, account stated, and laches; failure to mitigate; bar of contributory negligence by Claimant; assumption of risk; unforeseeable market factors and conditions affected the securities at issue and Respondents are therefor not liable for any losses; Failure to state a claim upon which relief can be granted.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages \$50,000.00

Respondents jointly requested:

Other Costs and all fees unspecified

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions, the Arbitration Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. That the Statement of Claim is dismissed and denied in its entirety;
2. That other than forum fees, which are discussed below, all other requests for relief are hereby dismissed and denied in their entirety.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:
Initial claim filing fee = \$120.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$800.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$ 1,000.00

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing 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:

One (1) Pre-hearing session with Panel x \$400.00	= \$400.00
Pre-hearing conference: May 11, 1999	1 session
Two (2) Hearing sessions x \$400.00	= \$800.00
Hearing Date: September 9, 1999	2 sessions
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Total Forum Fees	= \$1,200.00

1. The Arbitration Panel has assessed \$1,200.00 of the forum fees to Claimant Dennis A. Cook.

Fee Summary

1. Claimant, Dennis A. Cook, be and hereby is solely liable for:

Initial Filing Fee	= \$ 120.00
Forum Fees	= \$1,200.00
Total Fees	= \$1,320.00
<u>Less payments</u>	<u>= \$ 520.00</u>
Balance Due NASD Regulation, Inc.	= \$ 800.00

3. Respondent, A.G. Edwards & Sons, be and hereby is solely liable for:

Member Fees	= \$2,400.00
Total Fees	= \$2,400.00
<u>Less payments</u>	<u>= \$2,400.00</u>
Balance Due NASD Regulation, Inc.	= \$0

All balances are due to NASD Regulation, Inc. and are payable within 30 days of the service date of this Award.

Concurring Arbitrators' Signatures

/s/ Steve C. Bach

October 27, 1999

Steve C. Bach
Public Arbitrator, Presiding Chair

Signature Date

/s/ Fred J. Naffziger

October 28, 1999

Fred J. Naffziger
Public Arbitrator

Signature Date

/s/ Ronald A. Lavery

October 27, 1999

Ronald A. Lavery
Industry Arbitrator

Signature Date

Date of Service (For NASD office use only)

Concurring Arbitrators' Signatures

Steve C. Bach

Steve C. Bach
Public Arbitrator, Presiding Chair

10/27/99
Signature Date

Fred J. Naffzinger
Public Arbitrator

Signature Date

Ronald A. Lavery
Industry Arbitrator

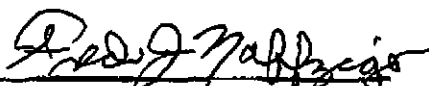
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Public Arbitrator, Presiding Chair

Signature Date


Fred J. Naffziger
Public Arbitrator

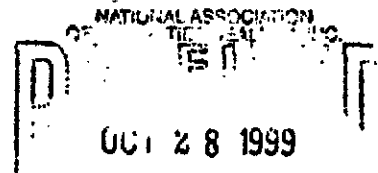
Oct 28, 1999
Signature Date

Ronald A. Lavery
Industry Arbitrator

Signature Date

Date of Service (For NASD office use only)

NASD Regulation, Inc. Office of Dispute Resolution
Arbitration No. 98-03828
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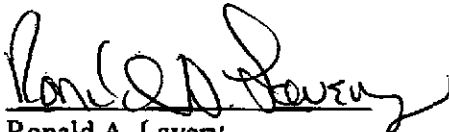
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Public Arbitrator

Signature Date



Ronald A. Lavery
Industry Arbitrator

10/27/99

Signature Date

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