

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Gerhard and Margarete Lasamnick, JT Claimants v. Richard Post, Respondent

Case Number: 99-02192

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimants:

Gerhard and Margarete Lasamnick
In Pro Per
Palm Desert, California

For Respondent:

Nuviah Shirazi, Esq.
A.G. Edwards & Sons
St. Louis, Missouri

CASE INFORMATION

Statement of Claim filed: April 26, 1999

Claimant Gerhard Lasamnick's Uniform Submission Agreement signed: May 4, 1999

Claimant Margarete Lasamnick's Uniform Submission Agreement signed: May 4, 1999

Statement of Answer filed by Respondent Richard Post: August 12, 1999

Respondent's Uniform Submission Agreement signed: July 26, 1999

CASE SUMMARY

Claimants alleged breach of contract, breach of fiduciary duty, and unsuitability.

Respondent denied the allegations of wrongdoing set forth in the Claimants' Statement of Claim.

RELIEF REQUESTED

Claimants requested \$19,436.77 in compensatory damages.

Respondent requested dismissal of the Claimants' Statement of Claim in its entirety, and reimbursement of costs of arbitration and legal fees. Additionally Respondent also requested expungement of his CRD record.

AWARD

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

1. All claims in Claimants' Statement of Claim are denied in their entirety.
2. Each party shall bear its own costs of arbitration, including attorney's fees.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Richard Post's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Richard Post must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
4. All other relief requested and not granted is expressly denied.

FEEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. has received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 125.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the event of the dispute. Accordingly, the

member firm A. G. Edwards & Son, Inc. is the Respondent Richard Post's firm and the following fees are assessed:

Member Surcharge = \$ 400.00

Forum Fees and Assessments

The Arbitrator assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair. The following fees are assessed:

Two Hearing sessions @ \$450.00/session = \$ 900.00

Hearings: April 26, 2000 2 sessions

Total Forum Fees = \$ 900.00

1. The Arbitrator has assessed \$ 450.00 of the forum fees jointly and severally to Claimants Gerhard and Margarete Lasamnck.
2. The Arbitrator has assessed \$ 450.00 of the forum fees to Respondent Richard Post.

Fee Summary

1. Claimant Gerhard and Margarete Lasamnck are charged with the following fees and costs:

Initial Filing Fee = \$ 125.00

Forum Fees = \$ 450.00

Total Fees = \$ 575.00

Less payments = \$(575.00)

Balance Due NASD Regulation, Inc. = \$ 0

2. Respondent Richard Post is charged with the following fees and costs:

Forum Fees = \$ 450.00

Balance Due NASD Regulation, Inc. = \$ 450.00

3. Member firm A. G. Edwards & Sons, Inc., as Respondent Richard Post's employer pursuant to Rule 10333, is charged with the following fees and costs:

Member Fees = \$ 400.00

Less Payments = \$(400.00)

Balance Due NASD = \$ 0

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

Arbitrator's Signature

Thomas L. Flattery
Thomas L. Flattery, Esq.
Chair, Public Arbitrator

May 4, 2000
Signature Date

5/4/00
Date of Service