

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Gerald A. Bushue, (Claimant) vs. A.G. Edwards & Sons, Inc. and Erin L. Wideman, (Respondents).

Case Number: 99-02211

Hearing Site: St. Louis, Missouri

REPRESENTATION OF PARTIES

Claimant, Gerald A. Bushue, hereinafter referred to as "Claimant": Pro Se, Washington, Missouri.

Respondents, A.G. Edwards & Sons, Inc. ("A.G. Edwards") and Erin L. Wideman ("Wideman"), hereinafter collectively referred to as "Respondents": Nuviah Shirazi, Esq., A.G. Edwards & Sons, Inc., St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on or about: May 13, 1999

Claimant signed the Uniform Submission Agreement: April 16, 1999

Statement of Answer filed by Respondents on or about: August 20, 1999

Respondent, A.G. Edwards, signed the Uniform Submission Agreement: July 29, 1999

Respondent, Wideman, signed the Uniform Submission Agreement: July 8, 1999

CASE SUMMARY

Claimant submitted the following case summary:

Mr. Erin Wideman through lies and misrepresentation of facts convinced me to change my investment strategy resulting in financial loss, extreme stress and many sleepless nights.

I feel that his manager should have questioned the decision to gamble a retirement plan on high risk investing and that A.G. Edwards & Sons, Inc. and Erin Wideman should be responsible for reparations to me.

Respondents furnished the following case summary:

Claimant filed a Statement of Claim alleging that the risks of the market were not disclosed to him, Mr. Wideman made unsuitable recommendations, and Mr. Wideman deceptively hid losses experienced in Mr. Bushue's account from Mr. Bushue. The Claimant also raised a failure to supervise claim. Claimant seeks \$41,143.14 as damages.

Respondents assert that Claimant does not have a meritorious claim and that the matter should be dismissed in its entirety with prejudice. As Claimant's financial consultant, Mr. Wideman fully explained the risks and benefits of investing in the stock market to Claimant, and Mr. Wideman made suitable recommendations to assist Mr. Bushue in reaching his investment objectives. Mr. Wideman never misrepresented nor failed to provide Mr. Bushue with material information concerning Mr. Bushue's accounts. Furthermore, Mr. Bushue received confirmations from A.G. Edwards shortly after each transaction was executed in his A.G. Edwards' accounts, as well as monthly statements. Claimant's failure to supervise claim is also without merit and should be dismissed.

WHEREFORE, Claimant is not entitled to the amount sought in this matter and the claim should be dismissed with prejudice.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$35,143.14
Punitive Damages	\$6,000
Other Monetary/Non-Monetary Relief if any:	unspecified

Respondents requested:

Dismissal of Claim	
Costs	unspecified
Attorneys' Fees	unspecified
Other Monetary/Non-Monetary Relief if any:	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, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Statement of Claim filed by Claimant, Gerald A. Bushue, is denied in its entirety and dismissed with prejudice;
2. The undersigned Arbitrator hereby orders the expungement of this arbitration case from the Central Registration Depository ("CRD") of the NASD, Inc. for the record for Erin L. Wideman (CRD number 2167035) based on the defamatory nature of the information; and
3. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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 = \$175

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. In this matter, the member firm(s) is A.G. Edwards & Sons, Inc.

Member surcharge = \$800
Pre-hearing process fee = \$600
Hearing process fee = \$1,000

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing 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) Pre-hearing session with a single arbitrator x \$450 = \$450
Pre-hearing conference: December 29, 1999 1 session

Two (2) hearing sessions x \$450 = \$900
Hearing Date: April 5, 2000 2 sessions

Total Forum Fees = \$1,350

1. The Panel has assessed \$675 of the forum fees to Gerald A. Bushue.
2. The Panel has assessed \$675 of the forum fees to A.G. Edwards & Sons, Inc.

Fee Summary

1. Claimant, Gerald A. Bushue, be and hereby is solely liable for:

Initial Filing Fee = \$175

Forum Fees = \$675

Total Fees = \$850

Less payments = \$775

Balance Due NASD Regulation, Inc. = \$75

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

Member Fees = \$2,400

Forum Fees = \$675

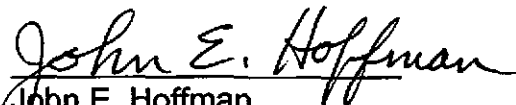
Total Fees = \$3,075

Less payments = \$800

Balance Due NASD Regulation, Inc. = \$2,275

All balances are due to NASD Regulation, Inc.

Concurring Arbitrator's Signature



John E. Hoffman
Public Arbitrator, Presiding Chair

4/14/00
Signature Date

Date of Service (For NASD office use only)