

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Gwen M. Mathews, Claimant vs. A.G. Edwards & Sons, Inc. and Jack Michael Afonin,
Respondents.

Case Number: 99-05003

Hearing Site: San Francisco, California

REPRESENTATION OF PARTIES

Claimant, Gwen M. Mathews, hereinafter referred to as "Claimant": Russell G. VanRozeboom,
Esq., Wild, Carter & Tipton, Fresno, California

Respondent, A.G. Edwards & Sons, Inc. ("A.G. Edwards"): Phyllis A. Hartrich, Esq., A.G.
Edwards & Sons, Inc., St. Louis, Missouri

Respondent, Jack Michael Afonin ("Afonin"): Jack Michael Afonin, Fresno, California

CASE INFORMATION

Statement of Claim filed on or about: November 1, 1999

Claimant, Gwen M. Mathews, signed the Uniform Submission Agreement: November 1, 1999

Statement of Answer filed by Respondent, A.G. Edwards, on or about: January 11, 2000

Amended Statement of Answer filed by Respondent, A.G. Edwards, on or about: March 8, 2000

Respondent, A.G. Edwards, signed the Uniform Submission Agreement: January 11, 2000

CASE SUMMARY

Claimant alleged the following claims with respect to her investment in Yahoo, Inc. ("Yahoo") stock: 1) Unsuitable and Unauthorized Short-sale of Yahoo on 10/12/98; 2) 10/12/98 Yahoo trade - Violation of Securities Exchange Act of 1934, Rule 10b-5; 3) Churning and Unsuitability; 4) Violation of Securities Exchange Act of 1934, Rule 10b-5 for Churning and Unsuitability; and 5) Breach of Fiduciary Duty.

Respondent denied Claimant's allegations of wrongdoing and denied any liability to Claimant.

RELIEF REQUESTED

Claimant requested:

1. For the 10/12/98 Yahoo trade the sum of \$159,282.19 plus margin charges and lost investment revenue at bond-rate returns from and after August 12, 1999;

2. For return of all commissions and trading losses on unsuitable or unauthorized short-term trades;
3. For punitive damages in an amount to be determined by the arbitrators; and
4. For costs of suit and attorney fees incurred by Claimant herein.

Respondent A.G. Edwards requested that all claims made within the Statement of Claim be dismissed with prejudice, that A.G. Edwards be awarded its costs and expenses incurred in the defense of this action and for such other relief as the Panel may deem just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Afonin did not file with NASD Dispute Resolution, Inc. ("NASD-DR") a Statement of Answer or properly executed submission to arbitration. The Panel determined that Respondent Afonin has been properly served with Claimant's Statement of Claim and further determined that Mr. Afonin is required to submit to arbitration pursuant to the NASD-DR Code of Arbitration Procedure ("the Code") and is bound by the determination of the Panel on all issues submitted.

Respondent Afonin did not appear at the evidentiary hearing in this matter. Pursuant to Rule 10318 of the Code, the Panel determined that Mr. Afonin received proper notice of the hearing and ruled to proceed in Mr. Afonin's absence.

The parties present at hearing 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. Respondents A.G. Edwards and Afonin are jointly and severally liable for and shall pay to Claimant the sum of \$153,753.52 plus simple interest at 7% from January 15, 1999.
2. Claimant's claim for punitive damages is denied.
3. The parties shall each bear their respective costs including attorney's fees.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD-DR will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$300.00

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 is a party.

Member surcharge = \$1,500.00

Pre-hearing process fee = \$ 600.00

Hearing process fee = \$2,500.00

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 Panel x \$1,125.00 = \$1,125.00

Pre-hearing conference: September 13, 2000 1 session

Four (4) Hearing sessions x \$1,125.00 = \$4,500.00

Hearing Dates: April 18, 2001 2 sessions

April 19, 2001 2 sessions

Total Forum Fees = \$5,625.00

1. The Panel has assessed \$2,812.50 of the forum fees to Claimant, Mathews.
2. The Panel has assessed \$2,812.50 of the forum fees jointly and severally to Respondents, A.G. Edwards and Afonin.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

The parties did not incur administrative costs.

Fee Summary

1. Claimant is liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$2,812.50
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$3,112.50
<u>Less payments</u>	= \$1,425.00
Balance Due NASD-DR	= \$1,687.50

2. Respondent A.G. Edwards is solely liable for:

Member Fees	= \$4,600.00
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$4,600.00
<u>Less payments</u>	= \$4,600.00
Balance Due NASD-DR	= \$ 0.00

3. Respondents A.G. Edwards and Afonin are jointly and severally liable for:

Forum Fees	= \$2,812.50
<u>Administrative Costs</u>	= \$ 0.00
Total Fees	= \$2,812.50
<u>Less payments</u>	= \$ 0.00
Balance Due NASD-DR	= \$2,812.50

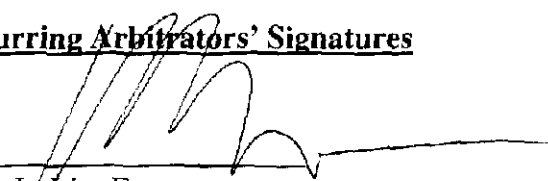
All balances are due to NASD Dispute Resolution, Inc. and are payable within 30 days of the service date of this Award.

NASD Dispute Resolution, Inc.

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Concurring Arbitrators' Signatures


Robert L. Liu, Esq.
Public Arbitrator, Presiding Chair

4/24/07
Signature Date

Charles B. Stark, Jr.
Public Arbitrator

Signature Date

Thomas W. Borden
Industry Arbitrator

Signature Date

Date Served:

APR 30 2001

Date of Service (For NASD office use only)

NASD Dispute Resolution, Inc.
Arbitration No. 99-05003
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Concurring Arbitrators' Signatures

Robert L. Liu, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Charles B. Stark

Charles B. Stark, Jr.
Public Arbitrator

April 24, 2001

Signature Date

Thomas W. Borden
Industry Arbitrator

Signature Date

Date Served:

APR 30 2001
Date of Service (For NASD office use only)

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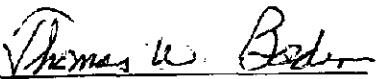
Concurring Arbitrators' Signatures

Robert L. Liu, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Charles B. Stark, Jr.
Public Arbitrator

Signature Date


Thomas W. Borden
Industry Arbitrator

4/25/01
Signature Date

Date Served:

APR 30 2001

Date of Service (For NASD office use only)