

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Florence R. Carunchio (Claimant) vs. American Express Financial Advisors, Inc. (Respondent)

Case Number: 05-00297

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

Claimant Florence R. Carunchio ("Carunchio") hereinafter referred to as "Claimant": Matthew V. Bartle, Esq., Bartle & Marcus, LLC, Kansas City, MO. Previously represented by Julie Westcott, Esq., Berkowitz Stanton Brandt Williams & Shaw, Kansas City, MO.

Respondent American Express Financial Advisors, Inc. ("AMEFI") n/k/a Ameriprise Financial Services hereinafter referred to as "Respondent": Sonya A. Royston, Esq., Faegre & Benson LLP, Minneapolis, MN.

CASE INFORMATION

Statement of Claim filed on or about: January 18, 2005.

Claimant signed the Uniform Submission Agreement: January 19, 2005.

Statement of Answer filed by Respondent on or about: March 17, 2005.

Respondent signed the Uniform Submission Agreement: March 16, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: failure to adhere to terms of arbitration award and non- payment of employment compensation.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$889,300.00 in a lump sum payment, punitive damages, attorneys' fees and costs.

Respondent requested that Claimant's claim be dismissed in its entirety.

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 Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay to Claimant compensatory damages in the amount of \$395,000.00
2. 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 Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 375.00

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. Accordingly, American Express Financial Advisors, Inc. is a party.

Member surcharge	= \$ 2,250.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$ 4,000.00</u>
Total Member fees	= \$ 7,000.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. A 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:

Two (2) Pre-hearing sessions with Panel @ \$1,200.00 per session	= \$ 2,400.00
Pre-hearing conferences: July 20, 2005 1 session	
September 7, 2005 1 session	
Four (4) Hearing sessions @ \$1,200.00 per session	= \$ 4,800.00
Hearing Dates: December 5, 2005 2 sessions	
December 7, 2005 2 sessions	
<u>Total Forum Fees</u>	<u>= \$ 7,200.00</u>

1. The Panel has assessed \$3,600.00 of the forum fees to Claimant.
2. The Panel has assessed \$3,600.00 of the forum fees to Respondent.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

1. Claimant requested four audio cassette tapes = \$ 85.80

Fee Summary

1. Claimant is solely liable for:	
Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 3,600.00
<u>Administrative Costs</u>	= \$ 85.80
Total Fees	= \$ 4,060.80
<u>Less payments</u>	= \$ 2,450.00
Balance Due NASD Dispute Resolution	= \$ 1,610.80
2. Respondent is solely liable for:	
Member Fees	= \$ 7,000.00
<u>Forum Fees</u>	= \$ 3,600.00
Total Fees	= \$ 10,600.00
<u>Less payments</u>	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$ 2,050.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

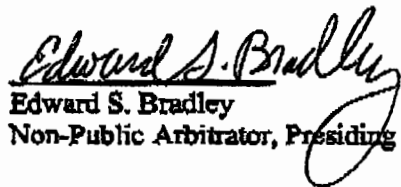
ARBITRATION PANEL

Edward S. Bradley
Paul S. Biederman
Denise N. Seegobin

- Non-Public Arbitrator, Presiding Chairperson
- Public Arbitrator
- Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.


Edward S. Bradley
Non-Public Arbitrator, Presiding Chairperson

01/03/2006
Signature Date

Paul S. Biederman
Public Arbitrator

Signature Date

Denise N. Seegobin
Public Arbitrator

Signature Date

January 4, 2006

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

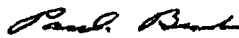
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