



December 8, 2011

Cary Ichter
Ichter Thomas LLC
3340 Peachtree Road, Ne
Suite 1530
Atlanta, GA 30326-1084

Subject: FINRA Dispute Resolution Arbitration Number 10-05212
William Jeff Brooks vs. Wells Fargo Advisors, LLC and Lawrence Spaulding Rule

Dear Mr. Ichter:

Enclosed please find the decision reached by the arbitrator(s) in the above-referenced matter.

Responsibility to Pay Monetary Award

FINRA rules provide that all monetary awards shall be paid within 30 days of receipt unless a motion to vacate has been filed with a court of competent jurisdiction. An award shall bear interest from the date of the award:

- If not paid within 30 days of receipt;
- If the award is the subject of a motion to vacate which is denied; or
- As specified by the panel in the award.

Interest shall be assessed at the legal rate, if any, then prevailing in the state where the award was rendered, or at a rate set by the arbitrator(s).

Expedited Suspension Proceedings for Non-Payment of Awards

Article VI, Section 3 of the FINRA By-Laws and FINRA Rule 9554 permit FINRA to suspend or cancel the registration of any firm or associated person that fails to comply with a FINRA arbitration award.

Firms are required to notify FINRA in writing within 30 days of receipt of an award that they or their associated persons have paid or otherwise complied with the award, or to identify a valid basis for non-payment. We also request that prevailing claimants notify us in writing when their awards have not been paid within 30 days of receipt of the award.

Written notification concerning award compliance or lack thereof should be directed to:

David Carey

Investor protection. Market integrity.

Dispute Resolution
Southeast Regional Office

Boca Center Tower 1
5200 Town Center Circle
Suite 200
Boca Raton, FL
33486-1015

t 561 416 0277
f 301 527 4868
www.finra.org

FINRA Dispute Resolution
One Liberty Plaza, 165 Broadway, 52nd Floor
New York, NY 10006
212-858-4333 (tel) | 301-527-4706 (fax) | david.carey@finra.org (email)

Right to File Motion to Vacate Award

FINRA rules provide that, unless the applicable law directs otherwise, all awards rendered are final and are not subject to review or appeal. Accordingly, FINRA has no authority to vacate this award. Any party wishing to challenge the award must make a motion to vacate the award in a federal or state court of appropriate jurisdiction pursuant to the Federal Arbitration Act, 9 U.S.C. § 10, or applicable state statute. There are limited grounds for vacating an arbitration award, and a party must bring a motion to vacate within the time period specified by the applicable statute. If you are not represented by counsel and wish to challenge the award, we urge you to seek legal advice regarding any rights or remedies available to you.

Forum Fees

You will receive under separate cover an invoice that reflects the fees assessed and any outstanding balance or refund due. Fees are due and payable to FINRA Dispute Resolution upon receipt of the invoice and should be sent to the address specified on the invoice. Any applicable refunds will also be sent under separate cover approximately 45 days after the case closes. All questions regarding payment of fees and refunds should be directed to FINRA Finance at (240) 386-5910.

Arbitrator Evaluation

FINRA encourages parties to complete Arbitrator Evaluation Forms at the conclusion of every case. We will utilize your comments in our ongoing efforts to evaluate and improve the services our forum provides. You can complete the Arbitrator Evaluation Form on our website at www.finra.org/arbevaluation.

Party Submissions to Arbitrators After a Case Closes

FINRA rules provide that parties may not submit documents to arbitrators in cases that have been closed except under the following limited circumstances: 1) as ordered by a court; 2) at the request of any party within 10 days of service of an award, for typographical or computational errors, or mistakes in the description of any person or property referred to in the award; or 3) if all parties agree and submit documents within 10 days of service of an award. Any documents, if submitted, must be sent through FINRA.

Questions Concerning Award

Should you have any questions, please contact me at the phone number or email address provided below. Parties should not directly contact arbitrators under any circumstances.

Very truly yours,

Bonnie R. Simon / JH

Bonnie R. Simon
Senior Case Administrator
Phone: 561-416-0277
Fax: 301-527-4868
FL-Main@finra.org

BRS:jeh:LC09A
idr: 09/14/2011

RECIPIENTS:

Keith J. Barnett, Esq., Wells Fargo Advisors, LLC
Sutherland Asbill & Brennan, LLP, 999 Peachtree Street, NE, Atlanta, GA 30309-3996

Glenn A. Delk, Esq., Lawrence Spaulding Rule, Jr
Lightmas & Delk, LLP, 1355 Peachtree Street, N.E., Atlanta, GA 30309

Cary Ichter, William Jeff Brooks
Ichter Thomas LLC, 3340 Peachtree Road, Ne, Suite 1530, Atlanta, GA 30326-1084

**Award
FINRA Dispute Resolution**

In the Matter of the Arbitration Between:

Claimant
William Jeff Brooks

Case Number: 10-05212

vs.

Respondents
Lawrence Spaulding Rule, Jr.
Wells Fargo Advisors, LLC

Hearing Site: Atlanta, Georgia

Nature of the Dispute: Customer vs. Member and Associated Person

REPRESENTATION OF PARTIES

For William Jeff Brooks, hereinafter referred to as "Claimant": Cary Ichter, Esq., Ichter Thomas LLC, Atlanta, Georgia.

For Respondent Lawrence Spaulding Rule, Jr. ("Rule"): Glenn A. Delk, Esq., Lightmas & Delk, LLP, Atlanta, Georgia.

For Respondent Wells Fargo Advisors, LLC, ("Wells Fargo"): Keith J. Barnett, Esq., Avital Stadler, Esq. and Michael K. Freedman, Esq., Sutherland Asbill & Brennan, LLP, Atlanta, Georgia.

CASE INFORMATION

Statement of Claim filed on or about: November 17, 2010.

Claimant signed the Submission Agreement: November 17, 2010.

Statement of Answer filed by Respondents Rule and Wells Fargo on or about: January 12, 2011.

Respondent Wells Fargo signed the Submission Agreement: December 10, 2010.

Respondent Rule did not file a signed Submission Agreement.

Motion to Amend to Add Additional Claims filed by Claimant on or about: May 16, 2011.

Opposition to Motion to Amend to Add Additional Claims filed by Respondents on or about: June 3, 2011.

Emergency Motion to Strike Respondent Wells Fargo's Answer filed by Claimant on or about: November 22, 2011.

CASE SUMMARY

Claimant asserted the causes of action of: 1) breach of fiduciary duty; 2) misrepresentations; 3) unauthorized trading; and, 4) churning. The causes of action relate to the excessive number of trades and use of margin involving various unspecified stocks in Claimant's accounts.

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

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$780,000.00; attorneys' fees, costs, and interest.

At the close of the hearing, Claimant requested compensatory and consequential damages in the amount of \$1,762,016.00, attorneys' fees in the amount of \$30,000.00 plus 25%, and punitive damages in the amount of \$2,000,000.00.

In their Statement of Answer, Respondents requested that the Panel reject Claimant's claim in its entirety, attorneys' fees, costs, and FINRA fees. In addition, Respondent Rule requested that this matter be expunged from his Central Registration Depository (the "CRD") record.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

Respondent Rule did not file with FINRA Dispute Resolution a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure (the "Code") and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues.

On or about July 7, 2011, the Panel issued an Order that denied, in part, Claimant's Motion to Amend to Add Additional Claims. The Panel denied Claimant's request to add a claim for negligent hiring. With respect to the request to add claims of suitability and failure to supervise, the Panel deemed the initial Statement of Claim to be broad enough to include those claims.

On or about November 22, 2011, Claimant filed an Emergency Motion to Strike Respondent Wells Fargo's Answer alleging, among other things, that Respondent Wells Fargo should be sanctioned for failing to comply with an Order from the Panel. Additionally, Claimant requested that, in the alternative, the Panel make an adverse inference against Respondent Wells Fargo that it failed to adequately supervise Respondent Rule. On November 22, 2011, the Panel issued an Order stating that they would address Claimant's motion at the commencement of the evidentiary hearings. Subsequently, at the final hearing, the Panel denied Claimant's motion.

During the final hearing, and after the completion of Claimant's case-in-chief, Respondents asserted a motion to dismiss alleging that Claimant had failed to prove his case. Claimant objected to the motion, and subsequently the Panel granted the motion as to Claimant's claim of emotional damages (which was encompassed within Claimant's consequential damage request raised at the hearing). The Panel denied the remainder of the motion. Additionally, Respondents reiterated their motion to dismiss at the completion of all testimony. Claimant objected to the motion, and subsequently the Panel denied the motion.

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:

Respondents are found jointly and severally liable and shall pay to Claimant compensatory damages in the amount of \$213,725.00, pre-judgment interest specifically denied.

Respondents are found jointly and severally liable and shall pay to Claimant the amount of \$375.00 representing reimbursement of the non-refundable portion of the claim filing fee previously paid by Claimant to FINRA Dispute Resolution.

Respondent Rule's request for expungement of his CRD record is denied.

Any and all relief not specifically addressed herein, including Claimant's request for punitive damages and the parties' requests for attorneys' fees, are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

FINRA Dispute Resolution assessed a filing fee* for each claim:

Initial claim filing fee = \$1,575.00

**The filing fee is made up of a non-refundable and a refundable portion.*

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. Accordingly, as a party and a member firm Respondent Wells Fargo is assessed the following:

Member surcharge = \$2,250.00
Pre-hearing process fee = \$ 750.00
Hearing process fee = \$4,000.00

Contested Motion for Issuance of a Subpoena Fees

Fees apply for each decision on a contested motion for the issuance of a subpoena.

One (1) Decision on a contested motion for the issuance of a subpoena
with (1) one arbitrator @ \$200.00 (maximum of \$600) = \$200.00

Total Contested Motion for Issuance of Subpoena Fee = \$200.00

The Panel has assessed the total fee for the contested motion for issuance of a subpoena in the amount of \$200.00 jointly and severally to Respondents.

Hearing Session Fees and Assessments

The Arbitrator (Panel) has assessed hearing session fees for each session conducted. A 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 @ \$450.00/session = \$ 450.00
Pre-hearing conference: September 30, 2011 1 session

Three (3) Pre-hearing sessions with the Panel @ \$1,200.00/session = \$ 3,600.00
Pre-hearing conferences: March 29, 2011 1 session
July 7, 2011 1 session
November 22, 2011 1 session

Nine (9) Hearing sessions @ \$1,200.00/session = \$10,800.00
Hearing Dates: November 28, 2011 2 sessions
November 29, 2011 2 sessions
November 30, 2011 2 sessions
December 1, 2011 2 sessions
December 2, 2011 1 session

Total Hearing Session Fees = \$14,850.00

The Panel has assessed the total hearing session fees in the amount of \$14,850.00 jointly and severally to Respondents.

All balances are payable to FINRA Dispute Resolution and are due upon receipt.

ARBITRATION PANEL

Harry G. Mason	-	Public Arbitrator, Presiding Chairperson
Bruce W. Bennett	-	Public Arbitrator
James Roland Brumbelow	-	Non-Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument which is my award.

Concurring Arbitrators' Signatures

Harry G. Mason
Harry G. Mason
Public Arbitrator, Presiding Chairperson

12/7/11
Signature Date

Bruce W. Bennett
Public Arbitrator

Signature Date

James Roland Brumbelow
Non-Public Arbitrator

Signature Date

Date of Service (For FINRA Dispute Resolution office use only)

ARBITRATION PANEL


Harry G. Mason	-	Public Arbitrator, Presiding Chairperson
Bruce W. Bennett	-	Public Arbitrator
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Harry G. Mason
Public Arbitrator, Presiding Chairperson

Signature Date



Bruce W. Bennett
Public Arbitrator

12-7-2011

Signature Date

James Roland Brumbelow
Non-Public Arbitrator

Signature Date

Date of Service (For FINRA Dispute Resolution office use only)

ARBITRATION PANEL

Harry G. Mason	-	Public Arbitrator, Presiding Chairperson
Bruce W. Bennett	-	Public Arbitrator
James Roland Brumbelow	-	Non-Public Arbitrator

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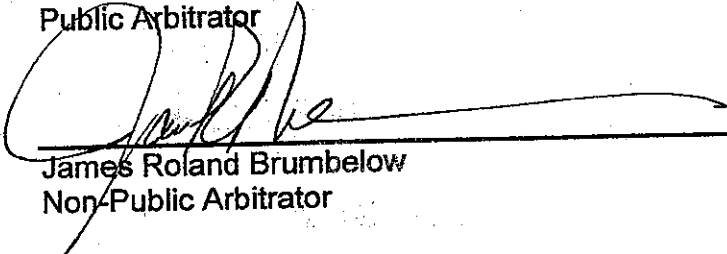
Concurring Arbitrators' Signatures

Harry G. Mason
Public Arbitrator, Presiding Chairperson

Signature Date

Bruce W. Bennett
Public Arbitrator

Signature Date



James Roland Brumbelow
Non-Public Arbitrator

12/8/2011

Signature Date

Date of Service (For FINRA Dispute Resolution office use only)