

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE:00-05222

Raymond Bonilla, claimant vs. Merrill Lynch, Pierce, Fenner & Smith, Inc. and Victoria C. Fine, respondents.

ATTORNEYS:

For Claimant appeared Chandra Parker Doucette, Esq. of the Investors' Law Center, P.A., Boca Raton, FL.

For Respondents appeared Steven C. Cunningham, Esq., in-house counsel, New York, NY.

DATE FILED: November 24, 2000

CASE SUMMARY: Claimant alleged that respondents entered a sell order for 142 shares of Yahoo and a purchase order for 142 shares of Yahoo without his authorization thereby creating a loss in his account.

ARBITRATOR'S REPORT: Merrill Lynch transaction (short sale) dated December 20, 1999 and (buy in) dated January 3, 2000 should both be reverse as errors. Customer should be made whole by deposit of 9% interest (to make up loss of profit) into his IRA account (now closed) and this amount transferred to the new IRA custodian (custodian to custodian transfer).

Claim Data

Claim: \$25,000.00
Interest: pre-award @10%

Attorney Fees: \$1,750.00
Filing Fees: unspecified
Other: unspecified

Award Data

Award: \$12,961.25
Interest: 9% per annum from 1/3/00
until 6/18/01 which equals \$1,736.82
Attorney Fees: \$1,645.00
Filing Fees: \$425.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of claimant against Respondent Victoria Fine are dismissed in their entirety. 2) Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. is liable and shall pay to the claimant \$12,961.25. 3) Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. is liable and shall pay to claimant interest in the amount of \$1,736.82 (9% per annum from January 3, 2000 until June 18, 2001). 4) Respondent is liable and shall pay claimant attorneys fees in the amount of \$1,645.00 according to claimant's request. 5) The arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Victoria Fine's registration records maintained by the NASD Central Registry Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Victoria Fine must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. 6) All other relief requests are denied. 7) The \$425.00 filing fee previously deposited with NASD Dispute Resolution, Inc.

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by the claimant, shall be retained by NASD Dispute Resolution, Inc. 7) Respondent Merrill Lynch, Pierce, Fenner & Smith is liable and shall pay claimant \$425.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondent Merrill Lynch, Pierce, Fenner & Smith has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

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Elena G. Rodriguez

Sole Public Arbitrator

AFFIRMATION

I, Elena G. Rodriguez, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

Elena Rodriguez
Elena G. Rodriguez

8/27/2001
Signature Date

September 28, 2001
Date of Service (for NASD Office Use Only)