

**Stipulated Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Don Odom and Donna Odom, Claimants v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Bob Conklin, Cary Sinnett, Ken Jones, and John Peterson, Respondents

Case Number: 01-03242

Hearing Site: Anchorage, Alaska

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**REPRESENTATION OF PARTIES**

For Claimants:

William F. Brattain, Esq.  
Baker Brattain, LLC  
Anchorage, Alaska

For Respondent Merrill Lynch, Pierce,  
Fenner & Smith, Inc.:

Michele R. Fron, Esq.  
Keesel, Young & Logan  
Long Beach, California

**CASE INFORMATION**

Statement of Claim filed: June 1, 2001

Claimants' Uniform Submission Agreement signed: June 1, 2001

Statement of Answer filed by Respondents: None Filed

Respondents' Uniform Submission Agreements signed: None Filed

**CASE SUMMARY**

Claimants alleged fraud, unsuitable investments, unauthorized trading, churning, and negligent supervision involving unspecified securities.

**RELIEF REQUESTED**

Claimants requested \$100,000.00 in compensatory damages and reimbursement of costs, including attorney's fees.

### **OTHER ISSUES CONSIDERED AND DECIDED**

On March 8, 2002, Claimants voluntarily dismissed John E. Peterson, Robert C. Conklin, Jr., Kenneth E. Jones, and Cary J. Sinnett from this Arbitration proceeding.

Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. did not file with the NASD Dispute Resolution, Inc. a properly executed submission agreement but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

Claimant and Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. have entered into a confidential settlement agreement.

After considering the pleadings and the Parties' request for this stipulated award, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

The Panel recommends the expungement of all reference to the above captioned arbitration from Respondents John Peterson's, Robert C. Conklin, Jr.'s, Kenneth E. Jones', and Cary J. Sinnett's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondents John Peterson, Robert C. Conklin, Jr., Kenneth E. Jones, and Cary J. Sinnett must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 225.00
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#### **Member Fees**

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Merrill Lynch, Pierce, Fenner & Smith, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,000.00
<u>Pre-Hearing Process Fee</u>	= \$ 200.00
<b>Total Member Fees</b>	<b>= \$ 1,200.00</b>

### **Fee Summary**

1. Claimants Don Odom and Donna Odom are jointly and severally charged with the following fees and costs:

<u>Initial Filing Fee</u>	= \$ 225.00
Total Fees	= \$ 225.00
<u>Less payments</u>	= \$(1,425.00)
<b>Refund Due to Claimants</b>	<b>= \$(1,200.00)</b>

2. Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. is charged with the following fees and costs:

<u>Member Fees</u>	= \$ 1,200.00
Total Fees	= \$ 1,200.00
<u>Less payments</u>	= \$( 1,000.00)
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 200.00</b>

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

NASD Dispute Resolution, Inc.  
Arbitration No. 01-03242  
Award Page 4 of 4

**ARBITRATION PANEL**

*Michael R. Scott*

*Public Arbitrator*

**Concurring Arbitrator Signature**



Michael R. Scott  
Public Arbitrator

May 30, 2002  
Signature Date

June 3, 2002  
Date of Service