

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Onyx Group, Inc.

Case Number: 03-00719

Name of the Respondents
Merrill Lynch, Pierce, Fenner & Smith, Inc.
David Bradley Brooks

Hearing Site: Washington, DC

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

REPRESENTATION OF PARTIES

Claimant, Onyx Group, Inc. "Claimant", was represented by Richard Singer, Esq., Bertsch and Associates, Port Washington, New York.

Respondents, Merrill Lynch, Pierce, Fenner & Smith, Inc ("Merrill Lynch"), and David Bradley Brooks ("Brooks"), hereinafter collectively referred to as "Respondents", were represented by Iral L. Oring, Esq., Fedder and Garten Professional Association, Baltimore, Maryland.

CASE INFORMATION

Statement of Claim filed on or about January 22, 2003.

David Ebo executed the Uniform Submission Agreement for Claimant on February 13, 2003.

Statement of Answer filed by Respondents on May 27, 2003.

A representative of Respondent Merrill Lynch executed an undated Uniform Submission Agreement.

Respondent Brooks signed the Uniform Submission Agreement on March 25, 2003.

CASE SUMMARY

Claimant asserted the following causes of action, among others: violation of the Federal Securities Act and the Maryland Securities Act; misrepresentation; negligence; and unsuitability. The causes of action relate to various unspecified securities.

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

RELIEF REQUESTED

Claimant in its Statement of Claim requested:

Compensatory Damages	\$380,000.00
Punitive Damages	\$100,000.00

Interest	amount unspecified
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondents in their Statement of Answer requested that the Statement of Claim be dismissed in its entirety and that all references to this arbitration be expunged from Respondent Brooks' record maintained by the NASD Central Registration Depository ("CRD").

OTHER ISSUES CONSIDERED AND DECIDED

The parties have fully and finally settled all claims by and between them. Therefore, the parties submit this Stipulated Award to the Arbitration Panel (the "Panel") for its consideration and request that it be entered.

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

AWARD

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

1. The parties have reached a settlement of all claims asserted in this matter;
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Brooks' registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Brooks must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
4. Any and all relief not specifically addressed herein is denied in its entirety.

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 = \$ 300.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the

member firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly Merrill Lynch is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00
Total Member Fees	= \$5,200.00

Forum Fees and Assessments

The Panel has assessed forum 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 Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: January 12, 2004 1 session	
Total Forum Fees	= \$1,125.00

1. The Panel has assessed \$375.00 of the forum fees to Claimant.
2. The Panel has assessed \$375.00 of the forum fees to Respondent Merrill Lynch.
3. The Panel has assessed \$375.00 of the forum fees to Respondent Brooks.

SEE SUMMARY

1. Claimant is assessed and shall pay the following fees:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 375.00
Total Fees	= \$ 675.00
Less payments	= \$1,425.00
Refund Due Claimant	= \$ 750.00

2. Respondent Merrill Lynch is assessed and shall pay the following fees:

Member Fees	= \$5,200.00
Forum Fees	= \$ 375.00
Total Fees	= \$5,575.00
Less payments	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 375.00

4. Respondent Brooks is assessed and shall pay the following fees:

Forum Fees	= \$ 375.00
Total Fees	= \$ 375.00
Less payments	= \$ 00.00
Balance Due NASD Dispute Resolution	= \$ 375.00

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

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ARBITRATION PANEL

Granette Allene Trent, Esq.
Mona Koppel Mitnick, Esq.
Richard A. Purkiss

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

Concurring Arbitrators' Signatures


Granette Allene Trent, Esq.
Public Arbitrator, Presiding Chairperson

4/20/05
Signature Date

Mona Koppel Mitnick, Esq.
Public Arbitrator, Panelist

Signature Date

Richard A. Purkiss
Non-Public Arbitrator, Panelist

Signature Date

5/26/05
Date of Service (For NASD Dispute Resolution office use only)

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 Single-Party Award

04-21-05P04:07 RCVD

ARBITRATION PANEL

Gracette Allene Trust, Esq.
 Mona Koppel Mitnick, Esq.
 Richard A. Purkins

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

Consenting Arbitrators' Signatures

Gracette Allene Trust, Esq.
 Public Arbitrator, Presiding Chairperson

 Signature Date

Mona Mitnick
 Mona Koppel Mitnick, Esq.
 Public Arbitrator, Panelist

April 21, 2005
 Signature Date

Richard A. Purkins
 Richard A. Purkins
 Non-Public Arbitrator, Panelist

5/13/05
 Signature Date

*5/26/05***Date of Service (For NASD Dispute Resolution office use only)**