

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Serafin Icasiano, Corazon Icasiano and Serafin Icasiano IRA (Claimants) v. Merrill Lynch, Pierce Fenner & Smith Incorporated and Barbara Roberts, (Respondents).

Case Number: 03-02924

Hearing Site: New York, New York.

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

REPRESENTATION OF PARTIES

Claimants, Serafin Icasiano ("S. Icasiano"), Corazon Icasiano ("C. Icasiano"), and Serafin Icasiano IRA (Icasiano IRA), hereinafter collectively referred to as "Claimants": Philip D. Sever, Esq., The Sever Law Firm, Cleveland, Ohio.

Respondents, Merrill Lynch, Pierce Fenner & Smith Incorporated ("Merrill Lynch") and Barbara Roberts ("Roberts"), hereinafter collectively referred to as "Respondents": Brett D. Sherman, Esq., Senior Counsel, Merrill Lynch Office of General Counsel, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: April 7, 2003.

Claimants signed the Uniform Submission Agreement: May 16, 2003.

Statement of Answer filed by Respondents on or about: September 26, 2003.

Respondent Merrill Lynch signed the Uniform Submission Agreement: March 4, 2004.

Respondent Roberts did not sign the Uniform Submission Agreement

CASE SUMMARY

Claimants asserted the following causes of action: (i) unsuitability; (ii) misrepresentation; (iii) violation of federal and state securities laws; (iv) negligence; and (v) improper supervision. The causes of action relate to Claimants' (a) purchases of various mutual funds, (b) use of margin, and (c) IRA distributions.

Unless specifically admitted in its Answer, Respondents denied the allegations of wrongdoing set forth in the Statement of Claim and asserted the following defenses: All investment recommendations were suitable; Claimants made informed decisions regarding all activity in their accounts; Any portfolio losses Claimants may have suffered were the result of Claimants' own conduct.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$131,827.00, attorney's fees, litigation costs, pre and post-award interest, punitive damages and other and further relief the Panel deems just and proper.

Respondents requested dismissal of the Statement of Claim in its entirety and an order from the Arbitration Panel recommending expungement of all references to the arbitration and any underlying complaint from the CRD record of Respondent Roberts.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Roberts did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, is bound by the determination of the Panel 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

On July 25, 2004, the parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for entry of an Award and the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. The parties have entered into a confidential settlement agreement.
2. Claimants have dismissed all claims with prejudice against Respondents Merrill Lynch and Barbara Roberts.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Roberts' 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 Roberts must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

4. The Parties shall bear their own costs and expenses.
5. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial Claim Filing Fee	= \$ 300.00
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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. In this matter, the member firm Merrill Lynch, Pierce Fenner & Smith is a party.

Member Surcharge	= \$1,700.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing 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. Forum fees associated with these proceedings are:

One (1) Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$1,125.00
Pre-hearing conference: March 10, 2004 one session	

Total Forum Fees	= \$1,125.00
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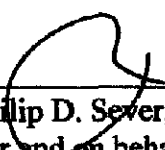
1. The Panel has assessed \$225.00 of the forum fees against Claimant Serafin Icasiano.
2. The Panel has assessed \$225.00 of the forum fees against Claimant Corazon Icasiano.
3. The Panel has assessed \$225.00 of the forum fees against Claimant Serafin Icasiano IRA.
4. The Panel has assessed \$225.00 of the forum fees against Respondent Merrill Lynch.
5. The Panel has assessed \$225.00 of the forum fees against Respondent Roberts.

Fee Summary

1. Claimants are jointly and severally liable for:	
<u>Initial Filing Fee</u>	= \$ 300.00
Total Fees	= \$ 300.00
<u>Less payments</u>	= \$ 300.00
Balance Due NASD Dispute Resolution	= \$ 0.00
2. Claimant Serafin Icasiano is solely for:	
<u>Forum Fees</u>	= \$ 225.00
Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 225.00
Balance Due NASD Dispute Resolution	= \$ 0.00
3. Claimant Corazon Icasiano is solely for:	
<u>Forum Fees</u>	= \$ 225.00
Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 675.00
Refund Due Claimant Corazon Icasiano	= \$ 450.00
4. Claimant Serafin Icasiano IRA is solely liable for:	
<u>Forum Fees</u>	= \$ 225.00
Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 225.00
Balance Due NASD Dispute Resolution	= \$ 0.00
5. Respondent Merrill Lynch is solely liable for:	
Member Fees	= \$5,200.00
<u>Forum Fees</u>	= \$ 225.00
Total Fees	= \$5,425.00
<u>Less payments</u>	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 225.00
6. Respondent Roberts is solely liable for:	
<u>Forum Fees</u>	= \$ 225.00
Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 225.00

All balances are due and payable to NASD Dispute Resolution

Parties' Signatures



Philip D. Sever, Esq.,
For and on behalf of Claimants
Serafin Icasiano, Corazon Icasiano and
Serafin Icasiano IRA

9-15-2004

Signature Date

Brett D. Sherman, Esq.
For and on behalf of
Respondents
Merrill Lynch, Pierce Fenner
& Smith Incorporated
and Barbara Roberts

Signature Date

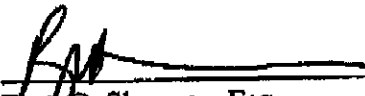
Barbara Roberts
Respondent

Signature Date

Parties' Signatures

Philip D. Sever, Esq.,
For and on behalf of Claimants
Serafin Icasiano, Corazon Icasiano and
Serafin Icasiano IRA

Signature Date



Brett D. Sherman, Esq.
For and on behalf of
Respondents
Merrill Lynch, Pierce Fenner
& Smith Incorporated
and Barbara Roberts

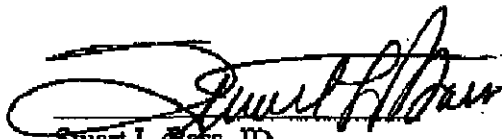
8/16/04

Signature Date

ARBITRATION PANEL

Stuart L. Bass, JD	-	Public Arbitrator, Presiding Chair
Robert Youdelman, Esq.	-	Public Arbitrator
A. George Saks, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Stuart L. Bass, JD
Public Arbitrator, Presiding Chair

10/20/04
Signature Date

Robert Youdelman, Esq.
Public Arbitrator

Signature Date

A. George Saks, Esq.
Non-Public Arbitrator

Signature Date

November 2, 2004
Date of Service (For NASD office use only)

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Stuart L. Bass, JD -
Robert Youdelman, Esq. -
A. George Saks, Esq. -

Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

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Public Arbitrator, Presiding Chair

Signature Date



Robert Youdelman, Esq.
Public Arbitrator



Signature Date

A. George Saks, Esq.
Non-Public Arbitrator

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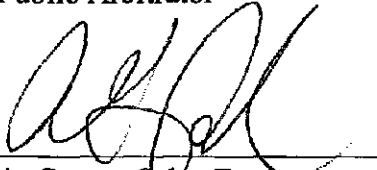
Concurring Arbitrators' Signatures

Stuart L. Bass, JD
Public Arbitrator, Presiding Chair

Signature Date

Robert Youdelman, Esq.
Public Arbitrator

Signature Date



A. George Saks, Esq.
Non-Public Arbitrator

10/11/04

Signature Date

November 2, 2004
Date of Service (For NASD office use only)