

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-03225

Angelo DePergola and Maureen DePergola, Claimants vs. Raymond James & Associates, Inc.,
and Phylis Boksen, Respondents.

ATTORNEYS:

Claimants appeared pro se, New Port Richey, FL.

For Respondents appeared in-house counsel, Rick A. Buchwalter, Esq., St. Petersburg, FL.

DATE FILED: May 1, 2003

CASE SUMMARY: Claimant alleged that Respondents were negligent, engaged in acts of fraud, violated NASD Conduct Rules, Rule 2310, and placed them in investments that were unsuitable to their objectives. Claimants further alleged that Respondents breached their fiduciary duty, and misrepresented facts regarding the investments they were placed in. Claimants maintained that due to Respondents' actions, they suffered financial losses. Claimants' claim involved various annuities.

Claim Data

Claim: \$10,853.00
Filing Fees: \$.00

Award Data

Award: \$10,852.79
Filing Fees: \$425.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents are jointly and severally liable and shall pay to the Claimant \$10,853.00. 2) Respondent, Phylis Boksen's request for expungement from her Central Registration Depository ("CRD") record is denied. 3) All other relief requests are denied. 4) The \$425.00 filing fee previously deposited with NASD Dispute Resolution by the Claimant, shall be retained by NASD Dispute Resolution. 5) Respondents are jointly and severally liable and shall pay Claimant \$425.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Raymond James & Associates, Inc., has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

Page Two
Award 03-03225

Allen J. Kaplan, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Allen J. Kaplan, Esq., 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.

Allen J. Kaplan
Allen J. Kaplan, Esq.

11/22/03
Signature Date

January 2, 2004
Date of Service (For NASD-DR office use only)