

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-04029

John and Patti Nezbed, Claimants vs. M&I Brokerage Services, Inc. and William K. Curtis, Respondents.

ATTORNEYS:

Claimants, John and Patti Nezbed, ("Claimants"), appeared pro se, Green Bay, WI.

For Respondents, M&I Brokerage Services, Inc. and William K. Curtis, ("Respondents"), appeared Gregory T. Everts, Esq., Madison, WI.

NATURE OF DISPUTE: Customer v. Member and Associated Person

DATE FILED: June 3, 2003

CASE SUMMARY: Claimants alleged that Respondents misrepresented and recommended stocks and mutual funds that were unsuitable to their needs. Claimants maintained that due to Respondents' actions, their account suffered financial losses.

ARBITRATOR'S REPORT: The arbitrator reports the following findings and conclusions:

1. John and Patti Nezbed executed a disclosure form indicating to the Respondents that they had prior investment experience with stocks and mutual funds.
2. John and Patti Nezbed also executed a disclosure form indicating to the Respondent that their investment objective was appreciation of capital. The Claimants made no indication on the disclosure form that their objective was either income or preservation of capital.
3. The final decision as to what mutual funds to invest in and how much money to invest, or to make an investment at all, rested with the Claimants. The Nezbeds knew or should have known that the value of their mutual fund investment could decline. There is no persuasive evidence that the Respondent or its agents misrepresented the risks of the investment to the Nezbeds or that the suggested investment was clearly inappropriate.

Claim Data

Claim: \$25,000.00

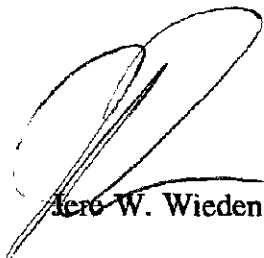
Award Data

Award: \$.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 Claimants are dismissed in their entirety. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent M&I Brokerage Services, Inc. has not paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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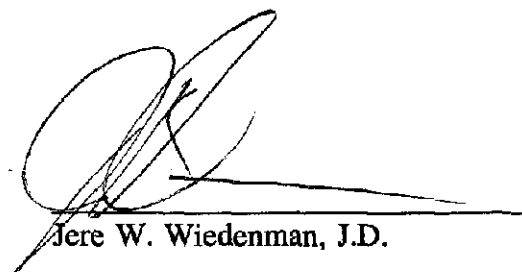


Jere W. Wiedenman, J.D.

Sole Public Arbitrator

AFFIRMATION

I, Jere W. Wiedenman, J.D., 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.



Jere W. Wiedenman, J.D.

11/4/03
Signature Date

November 17, 2003
Date of Service (For NASD-DR office use only)