

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-05809

Mary Ann Coppock, c/f Kacie Freer UTMA/CT, Claimant v. Michael Boyarsky and Felicia A. Klug, and Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondents

ATTORNEYS:

Claimant Mary Ann Coppock, c/f Kacie Freer UTMA/CT ("Claimant") appeared *pro se*, through Mary Ann Coppock, Wallingford, CT.

For Respondents Michael Boyarsky and Felicia A. Klug, and Merrill Lynch, Pierce, Fenner & Smith, Inc. (collectively "Respondents") appeared Lauryn J. Hart, Esq., in-house counsel, Merrill Lynch, Pierce, Fenner & Smith, Inc., New York, NY.

NATURE OF DISPUTE: Customer v. Member and Associated Persons.

DATE FILED: August 8, 2003.

CASE SUMMARY: Claimant alleged that Respondent Boyarsky placed her in investments that were not suitable to her needs and objectives. Claimant maintained that due to Respondents' actions, the account suffered losses. Claimant's claim involved the AIM Dent Fund.

Claim Data

Claim: \$10,000.00

Filing Fees: \$325.00

Award Data

Award: \$.00

Filing Fees: \$.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 Claimant are dismissed in their entirety. 2) All other relief requests are denied. 3) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Felicia A. Klug's 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 Klug must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. 4) NASD Dispute Resolution shall retain the \$325.00 filing fee that the Claimant deposited previously. 5) Claimant is liable for and shall pay to NASD Dispute Resolution the sum of \$500.00 for forum fees incurred from telephonic pre-hearing conferences held on June 29, 2004 and August 19, 2004.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

OTHER ISSUES: 1) On or about July 28, 2004, Claimant amended her claim to include Merrill Lynch, Pierce, Fenner & Smith, Inc. as a Respondent and to reflect that Respondent Felicia A. Klug be withdrawn as a Respondent from this matter. 2) On or about August 20, 2004, NASD Dispute Resolution was notified that the parties agreed to waive their right to a hearing and have this matter decided solely upon the pleadings and exhibits filed by the parties. 3) On or about December 22, 2003, Respondents made a motion to dismiss with their Answer. The Arbitrator initially denied the motion and subsequently granted the motion.

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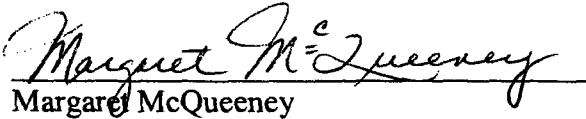
Margaret McQueeney

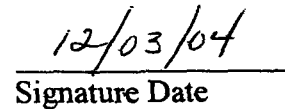
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Sole Public Arbitrator

AFFIRMATION

I, Margaret McQueeney, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my award.


Margaret McQueeney


Signature Date

December 13, 2004
Date of Service (For NASD-DR office use only)