

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**  
**CASE: 04-00363**

Marco T. Verni IRA Rollover, Claimant v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Robert D'Addario, and James P. Carle, Respondents.

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**ATTORNEYS:**

Claimant, Marco T. Verni IRA Rollover, ("Claimant"), appeared pro se, Basking Ridge, NJ.

Respondents, Merrill Lynch, Pierce, Fenner & Smith, Inc., Robert D'Addario, and James P. Carle, ("Respondents"), appeared through their in-house counsel, Yosef Sinensky, Esq., New York, NY.

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

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**DATE FILED:** January 21, 2004.

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**CASE SUMMARY:** Claimant alleged that Respondents acted unethically, misrepresented and omitted information in order to acquire his IRA Rollover account, committed fraud, and recommended stock unsuitable for his investment objectives. Claimant's claim involved certificates of deposit, corporate bonds, and mutual funds. Claimant maintained that due to Respondents' actions, his account suffered financial losses.

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**Claim Data**

Claim: \$10,000.00  
Other: Unspecified

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**Award Data**

Award: \$.00  
Other: \$.00

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**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 the Claimant are dismissed in their entirety. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$325.00 that the Claimant deposited previously.

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**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.

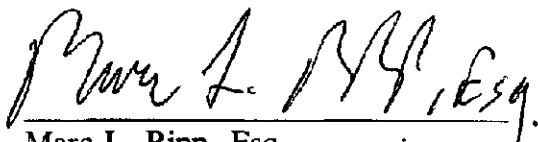
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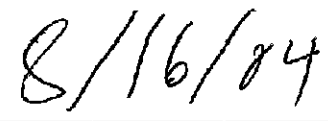
**ARBITRATOR**

Marc L. Ripp, Esq. - Sole Public Arbitrator

**AFFIRMATION**

I, Marc L. Ripp, 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.

  
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Marc L. Ripp, Esq.

  
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Signature Date

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August 27, 2004  
Date of Service (For NASD-DR office use only)