

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

CASE: 04-00592

Carol Ann Brooks, Claimant v. Morgan Stanley DW, Inc., f/k/a Dean Witter Reynolds, Inc., Respondent.

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**ATTORNEYS:**

For Claimant, Carol Ann Brooks, ("Claimant"), appeared Mark A. Tepper, P.A., Ft. Lauderdale, FL.

For Respondent, Morgan Stanley DW, Inc., f/k/a Dean Witter Reynolds, Inc., appeared their in-house counsel, Doreen S. Young, Esq., Sarasota, FL.

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**NATURE OF DISPUTE:** Customer v. Member.

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**DATE FILED:** January 30, 2004.

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**CASE SUMMARY:** Claimant alleged that Respondent violated Section 517.301 of the Florida Securities and Investor Protection Act, and Section 517.211 of the Florida Statutes. Claimant further alleged that Respondent breached its fiduciary duty, recommended unsuitable stock, and failed to adequately supervise its representatives. Claimant's claim involved Morgan Stanley High Yield Securities B and New Issue stock. Claimant maintained that due to Respondent's actions, her account suffered financial losses.

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<b>Claim Data</b>	<b>Award Data</b>
Claim: \$17,638.07	Award: \$17,638.07
Punitive: Unspecified	Punitive: \$0.00
Interest: \$13,885.29	Interest: \$13,885.29, plus interest at the rate of seven percent (7%) per annum from 7/1/04 to 8/9/04
Attorney Fees: Unspecified	Attorney Fees: Morgan Stanley is liable for violating Sections 517.301 and 517.211 of Florida Statutes. The Arbitrator refers Claimant's request for attorney's fees to a court of competent jurisdiction.
Filing Fees: \$825.00	Filing Fees: \$425.00
Other: \$400.00	Other: \$400.00

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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) Respondent is liable and shall pay to the Claimant \$17,638.07. 2) Respondent is liable and shall pay to the Claimant interest in the amount of \$13,885.29, plus interest at the rate of seven percent (7%) per annum from 7/1/04 to 8/9/04. 3) Respondent is liable for violating sections 517.301 and 517.211 Florida Statutes. The Arbitrator refers Claimant's request for attorney's fees to a court of competent jurisdiction. 4) Respondent is liable and shall pay to the Claimant \$400.00 for the reports. 5) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay to the Claimant \$425.00 as reimbursement of the filing fee.

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

**ARBITRATOR**

Martin P. Bergman - Sole Public Arbitrator

**AFFIRMATION**

I, Martin P. Bergman, 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.

Martin P. Bergman  
Martin P. Bergman

8/20/04  
Signature Date

August 25, 2004  
Date of Service (For NASD-DR office use only)