

STIPULATED AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between

Name of Claimant

Carol Taylor

and

04-01569
Phoenix, Arizona

Name of Respondents

Merrill Lynch Pierce Fenner & Smith, Inc.
Michael Robert Detjen

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

Carol Taylor ("**Claimant**") was represented by Howard Stein, Esq., Howard Stein Attorney At Law, Chicago, Illinois.

Merrill Lynch Pierce Fenner & Smith, Inc. ("**Respondent MLPF & S**") and Michael Robert Detjen ("**Respondent Detjen**") hereinafter referred to as ("**Respondents**") were represented by Kenneth C. Mennemeier, Esq., Mennemeier, Glassman & Stroud LLP, Sacramento, California.

CASE INFORMATION

The Statement of Claim was filed on or about March 8, 2004. Submission Agreement of Claimant Carol Taylor was signed on February 25, 2004.

Statement of Answer was filed by Respondents Merrill Lynch Pierce Fenner & Smith, Inc. and Michael Robert Detjen on or about May 14, 2004. Submission Agreement of Respondent Merrill Lynch Pierce Fenner & Smith, Inc. was signed on March 29, 2004. Submission Agreement of Respondent Michael Robert Detjen was signed on April 22, 2004.

CASE SUMMARY

Claimant alleged that her securities accounts at Merrill Lynch were mishandled in that Respondent Detjen recommended unsuitable investments. Claimant also alleged that Respondent Merrill Lynch failed to properly supervise Respondent Detjen.

Respondents denied the allegations of wrongdoing set forth in Claimant's Statement of Claim and asserted a number of affirmative defenses, including waiver, estoppel, laches, comparative and contributory negligence, lack of proximate cause and failure to mitigate damages.

RELIEF REQUESTED

Claimant sought an award in an amount "of at least \$175,000" to include compensatory damages, attorney's fees, costs and arbitration fees and expenses, including forum fees, witness and production fees, and other case-related costs.

Respondents requested dismissal of Claimant's Statement of Claim in its entirety.

OTHER ISSUES CONSIDERED & DECIDED

The parties advised NASD Dispute Resolution that they entered into an agreement to settle this matter on certain terms and conditions set forth in a confidential settlement agreement.

1. The parties have submitted a Stipulation that asks the Panel to enter a Stipulated Arbitration Award that provides in pertinent part:
2. Each and every one of Claimant's claims against Respondents is dismissed with prejudice;
3. The Panel recommends and directs that all references to the Claimant's claims and allegations be expunged from the records of respondent Michael Detjen maintained by the NASD in its Central Registration Depository (CRD), with the understanding that, pursuant to NASD Notice to Members 99-09, NASD Regulation will not execute the expungement directive until the arbitration award is confirmed by a court of competent jurisdiction;
4. All other relief not expressly granted is denied; and
5. Merrill Lynch shall bear any forum fees that are unpaid as of this date for all arbitration proceedings in this matter, as well as any fees assessed by the NASD in connection with any proceedings that occur in connection with the parties' Stipulation or in connection with Merrill Lynch's effort to obtain expungement of this matter from Detjen's CRD records.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies. The parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution (the "NASD").

AWARD

After considering the pleadings and the stipulation of the parties, but without making any findings of fact or conclusions of law, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination and find as follows:

1. Each and every one of Claimant's claims against Respondents Merrill Lynch and Detjen is hereby dismissed with prejudice
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Michael Robert Detjen'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 Michael Robert Detjen must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. That to the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice.
4. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys fees, not specifically awarded or otherwise provided for above.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$300.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm(s) is Merrill Lynch Pierce Fenner & Smith, Inc.

Member surcharge	\$	1,700.00
Pre-hearing process fee	\$	750.00

Hearing process fee	\$	2,750.00
Total Member Fees	\$	5,200.00

Adjournment Fees

Adjournments requested during these proceedings:

Hearing Date(s) January 31, 2005 – February 2, 2005, adjournment requested by = \$1,125.00
Merrill Lynch Pierce Fenner & Smith, Inc. Fee waived

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

1 Pre-hearing session(s) with Panel	x	1,125.00	\$	1,125.00
August 4, 2004	1 session			
Total Forum Fees			\$	1,125.00

The Arbitration Panel has assessed \$375.00 of the forum fees to Carol Taylor.

The Arbitration Panel has assessed \$750.00 of the forum fees to Merrill Lynch Pierce Fenner & Smith, Inc.

Fee Summary

Claimant, Carol Taylor, shall be and hereby is liable for:

Initial Filing Fee	= \$	300.00
<u>Forum Fees</u>	= \$	375.00
Total Fees	= \$	675.00
<u>Less payments</u>	= \$	-1,425.00
Balance to be refunded by NASD Dispute Resolution	= \$	- 750.00

Respondent, Merrill Lynch Pierce Fenner & Smith, Inc., shall be and hereby is liable for:

Member Fees	= \$	5,200.00
<u>Forum Fees</u>	= \$	750.00
Total Fees	= \$	5,950.00
<u>Less payments</u>	= \$	-5,200.00

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Balance Due NASD Dispute Resolution	= \$	750.00
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All balances are due to NASD Dispute Resolution

ARBITRATION PANEL

Richard D. Fincher, Esq. - Public Arbitrator, Presiding Chair

John V. Marian - Public Arbitrator

Paul J. Robinson - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Richard D. Fincher

Richard D. Fincher, Esq.

Public Arbitrator, Presiding Chair

March 23, 2005

Signature Date

/s/ John V. Marian

John V. Marian

Public Arbitrator

March 14, 2005

Signature Date

/s/ Paul J. Robinson

Paul J. Robinson

Non-Public Arbitrator

March 14, 2005

Signature Date

Date of Service (For NASD office use only)

Balance Due NASD Dispute Resolution	= \$	750.00
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All balances are due to NASD: Dispute Resolution

ARBITRATION PANEL

Richard D. Fröcher, Esq. - Public Arbitrator, Presiding Chair

John V. Marian - Public Arbitrator

Paul J. Robinson - Non-Public Arbitrator

Concurring Arbitrators:

Richard Tucker

Richard D. Fincher, Esq.
Public Arbitrator, Presiding Chair

3-23-05
Signature Date

John V. Marian
Public Arbitrator

Signature Date

Paul J. Robinson
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

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Balance Due NASD Dispute Resolution = \$ 750.00

All balances are due to NASD Dispute Resolution

ARBITRATION PANEL

Richard D. Fincher, Esq. - Public Arbitrator, Presiding Chair

John V. Marian - Public Arbitrator

Paul J. Robinson - Non-Public Arbitrator

Concurring Arbitrators:

Richard D. Fincher, Esq.
Public Arbitrator, Presiding Chair

Signature Date

John V. Marian
Public Arbitrator

Signature Date



Paul J. Robinson
Non-Public Arbitrator

3/14/2005

Signature Date

Date of Service (For NASD office use only)