

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-02435

Jonathan D. Torrens, Claimant v. Todd M. Radick and Tracey L. Radick, Respondents

ATTORNEYS:

For Claimant Jonathan D. Torrens ("Claimant") appeared Harold G. Ognelodh, Esq., in-house counsel, Merrill Lynch, Pierce, Fenner & Smith, Inc., New York, NY.

For Respondents Todd M. Radick and Tracey L. Radick (collectively "Respondents") appeared Thomas C. Wagner, Esq., of the firm Van Deusen & Wagner, LLC, Cleveland, OH.

NATURE OF DISPUTE: Associated Person vs. Customers.

DATE FILED: April 7, 2004.

CASE SUMMARY: Claimant alleged that he is an officer of Merrill Lynch, Pierce, Fenner & Smith, Inc., who was a Respondent in an arbitration initiated by the Respondents on April 7, 2003, NASD Dispute Resolution ("NASD DR") Arbitration Case No. 03-02679. On February 26, 2004, the parties entered into a settlement agreement and requested an expungement of the arbitration and complaint from Claimant's registration records maintained by the NASD, NYSE, and the Central Registration Depository ("CRD"). Claimant further alleged that NASD staff closed the prior NASD DR Arbitration Case No. 03-02679 administratively before the Panel executed the Stipulated Award. Claimant is now seeking expunged of those claims from CRD.

ARBITRATOR'S REPORT: See attached Exhibit "A".

Claim Data

Award Data

Claim: Expungement

Award: Granted

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Claimant's request for expungement is granted. 2) The Arbitrator recommends the expungement of all reference to the prior NASD DR Arbitration Case No. 03-02679 from Claimant Jonathan D. Torrens' 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, Claimant Torrens must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$1,250.00 filing fee that the Claimant deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, Merrill Lynch, Pierce, Fenner & Smith, Inc., the member firm Claimant was associated with at the time the dispute arose, has paid to NASD Dispute Resolution the \$1,500.00 Member Surcharge previously invoiced.

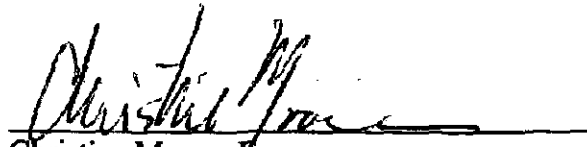
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Christine Moore, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Christine Moore, Esq., 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.


Christine Moore, Esq.


Signature Date

November 16, 2004
Date of Service (For NASD-DR office use only)