

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 04-07421

Merrill Lynch Pierce Fenner & Smith, Inc.

Name of the Respondent

Hearing Site: Charlotte, North Carolina

Grandy Michael Crump

Nature of the Dispute: Member vs. Associated Person.

REPRESENTATION OF PARTIES

Claimant, Merrill Lynch Pierce Fenner & Smith, Inc., hereinafter referred to as "Claimant", was represented by David F. McComb, Rubin, Fortunato, Harbison & Dougherty, Paoli, Pennsylvania.

Respondent, Grandy Michael Crump, hereinafter referred to as "Respondent", appeared *pro se* at the hearing.

CASE INFORMATION

Statement of Claim filed on January 20, 2004.

Frank Azzarita, Complex Administrative Manager, executed Claimant's Uniform Submission Agreement on December 10, 2004.

Claimant's Motion to Bar Defense was filed on December 14, 2005.

CASE SUMMARY

Claimant asserted a cause of action for breach of a promissory note. The cause of action relates to Respondent's employment with Claimant.

RELIEF REQUESTED

Claimant in its Statement of Claim requested \$133,165.00 in compensatory damages, interest, attorneys' fees and costs.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent did not file with NASD Dispute Resolution, a properly executed submission to arbitration or Statement of Answer but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure and, having appeared and testified at the hearing, is bound by the

determination of the Panel on all issues submitted.

On January 17, 2005, the Panel granted the Motion to Bar Defenses.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable to and shall pay to Claimant compensatory damages in the amount of \$133,165.00;
2. Respondent is liable to and shall pay to Claimant attorneys' fees in the amount of \$14,400.00;
3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
4. Any and all relief not specifically addressed herein is denied in its entirety.

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	= \$1,000.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Claimant is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00
Total Member Fees	= \$5,200.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A 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:

One (1) Pre-hearing session with Panel @ \$1,125.00 = \$1,125.00
Pre-hearing conference: September 15, 2005 1 session

One (1) Hearing session @ \$1,125.00 = \$1,125.00
Hearing Date: January 18, 2005 1 session

Total Forum Fees = \$2,250.00

1. The Panel has assessed \$1,125.00 of the forum fees to Claimant.
2. The Panel has assessed \$1,125.00 of the forum fees to Respondent.

EEE SUMMARY

1. Claimant is assessed and shall pay the following fees:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$5,200.00
Forum Fees	= \$1,125.00
Total Fees	= \$7,325.00
Less payments	= \$7,325.00
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent is assessed and shall pay the following fees:

Forum Fees	= \$1,125.00
Total Fees	= \$1,125.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,125.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Barry M. Cheren	- Non-Public Arbitrator, Presiding Chairperson
Henry Sanchez, Jr., Esq.	- Non-Public Arbitrator, Panelist
James Edward Banks, Jr., Esq.	- Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Barry M. Cheren
Non-Public Arbitrator, Presiding Chairperson

Jan. 23, 2006
Signature Date

Henry Sanchez, Jr., Esq.
Non-Public Arbitrator, Panelist

Signature Date

James Edward Banks, Jr., Esq.
Non-Public Arbitrator, Panelist

Signature Date

January 25, 2005
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Barry M. Cheron
Non-Public Arbitrator, Presiding Chairperson

Signature Date

Henry Sanchez, Jr., Esq.
Non-Public Arbitrator, Panelist

1/23/06
Signature Date

James Edward Banks, Jr., Esq.
Non-Public Arbitrator, Panelist

Signature Date

January 25 2005
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Barry M. Cheren
Non-Public Arbitrator, Presiding Chairperson

Signature Date

Henry Sanchez, Jr., Esq.
Non-Public Arbitrator, Panelist

Signature Date

James E. Banks
James Edward Banks, Jr., Esq.
Non-Public Arbitrator, Panelist

January 24, 2006
Signature Date

January 25, 2005
Date of Service (For NASD Dispute Resolution office use only)