

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

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CASE: 05-00451

Raleigh Truitt, (Claimant) vs. Merrill Lynch, Pierce, Fenner & Smith, Inc., (Respondent)

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**ATTORNEYS:**

Claimant appeared pro se, Westfield, NJ.

For Respondent appeared in-house counsel Alan S. Rafterman, Esq., New York, NY.

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

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**DATE FILED:** January 17, 2005

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**CASE SUMMARY:** Claimant alleged that Respondent charged fees for trades in an account that had a Merrill Lynch Unlimited Advantage agreement, which allows customers to have unlimited trading by paying an annual fee. Claimant maintained that due to Respondent's actions, he was inappropriately charged fees and suffered a loss. Claimant's claim involved mutual funds.

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**Claim Data**

Claim: \$769.13  
Filing Fees: \$.00

**Award Data**

Award: \$769.13  
Filing Fees: \$25.00

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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 \$769.13. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$50.00 filing fee that the Claimant deposited previously. 4) Respondent is liable and shall pay Claimant \$25.00 as reimbursement of one half of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent has not paid to NASD Dispute Resolution the \$150.00 Member Surcharge previously invoiced.

Page Two  
Award 05-00451

Arthur J. Kresch


Sole Public Arbitrator

AFFIRMATION

I, Arthur J. Kresch, 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.

  
Arthur J. Kresch

  
(Signature Date)

  
Date of Service (For NASD-DR office use only)