

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

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CASE: 05-04861

Joseph D. Barta, (Claimant) vs. Metlife Securities Inc. and Larry Kinner, (Respondents)

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**ATTORNEYS:**

For Claimant appeared Wayne Kaye, Simpsonville, SC.

For Respondents appeared B. John Pendleton, Esq., of the firm McCarter & English, LLP, Newark, NJ.

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**NATURE OF DISPUTE:** Customer v. Member and Associated Person

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**DATE FILED:** September 15, 2005

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**CASE SUMMARY:** Claimant alleged that Respondents omitted material facts regarding his investments. Claimant maintained that due to Respondents' actions, he suffered a financial loss. Claimant's claim involved unspecified securities products.

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**ARBITRATOR'S REPORT:** Claimant reasonably relied on the only two illustrations provided which reflect no additional premium payments and death benefits through ages 87 and 91. At age 77, with health issues, the investment was not suitable. By failing to provide illustrations reflecting more reasonable rates of return, Respondents intended to mislead Claimant into believing that he could convert his paid-up policy without additional cost. Claimant is being put back in the position he was prior to the conversion of the policy, but is not being awarded interest.

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**Claim Data**

Claim: \$21,848.72  
Filing Fees: \$.00

**Award Data**

Award: \$21,746.54  
Filing Fees: \$212.50

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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) Respondents are jointly and severally liable and shall pay to the Claimant \$21,746.54. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 4) Respondents are jointly and severally liable and shall pay Claimant \$212.50 as reimbursement of one half of the filing fee.

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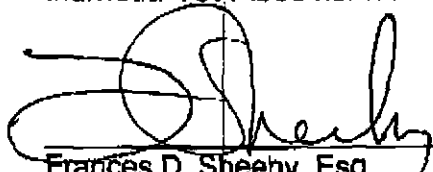
**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent, Metlife Securities Inc., has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

Frances D. Sheehy, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Frances D. Sheehy, Esq., 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.

  
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Frances D. Sheehy, Esq.

5/30/06  
(Signature Date)

June 1, 2006

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