

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 06-00413

Kristen Nicole and Thomas B. West, (Claimants) vs. Merrill Lynch, Pierce, Fenner & Smith, Inc. and William K. Williams, Jr., (Respondents)

ATTORNEYS:

For Claimants appeared Linda S. Pacer, Esq., of the firm Parkway Forest, Alpharetta, GA.

For Respondents appeared in-house counsel Angela A. Turiano, Esq., New York, NY.

NATURE OF DISPUTE: Customers v. Member and Associated Person

DATE FILED: January 26, 2006

CASE SUMMARY: Claimants alleged that Respondents breached their fiduciary duty by placing them in investments that were unsuitable for their needs. Claimants further alleged misrepresentation, unauthorized trading, breach of contract, negligence and common law fraud. Claimants maintained that due to Respondents' actions, they suffered a financial loss. Claimants' claim involved common stock and mutual funds.

Claim Data

Claim: \$16,000.00
Other: Unspecified

Award Data

Award: \$.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of the Claimants are dismissed in their entirety. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimants deposited previously. 4) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent William K. Williams, Jr.'s registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent William K. Williams, Jr. must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents. Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the arbitration panel has made the following affirmative findings of fact: The claim, allegation, or information is factually impossible or clearly erroneous. 5) Respondents are jointly and severally liable shall pay NASD Dispute Resolution \$450.00 for the conference call that was held on September 18, 2006.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Merrill Lynch, Pierce, Fenner & Smith, Inc., has paid to NASD Dispute Resolution the \$00.00 Member Surcharge previously invoiced.


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Lita S. Menkin, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Lita S. Menkin, 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.



Lita S. Menkin, Esq.

10/2/06
(Signature Date)

October 3, 2006
Date of Service (For NASD-DR office use only)