

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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IN THE MATTER OF THE ARBITRATION BETWEEN :  
Marmelo Farms, Inc. :  
 :  
 : Claimant : Case #89-00620  
 :  
 : AWARD  
vs. :  
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 :  
Merrill Lynch, Pierce, Fenner & Smith, Inc. :  
and George G. Riles :  
 :  
 : Respondents :  
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CASE SUMMARY

This proceeding was commenced initially on March 23, 1989 by Jeffrey D. Peterson, Vice President of Southern Plantations, Inc., on behalf of Claimant Marmelo Farms, Inc. ("Marmelo") against Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") and George G. Riles ("Riles"), and arises out of certain accounts held by Claimant with the Merrill Lynch office in Albany, Georgia. Claimant asserts that Respondents are liable for certain losses incurred in the account. Claimant alleges that the Respondent Riles breached his duty by recommending the purchase of an unsuitable investment fund and by misrepresenting the investment to the Claimant.

Respondents deny any allegations of wrongful conduct owed to Claimant with respect to the accounts. Respondents essentially assert that the Claimant authorized the purchase of the investment fund and was provided with a prospectus.

RELIEF REQUESTED

Claimant request an amount of \$8,868.00, including interest, attorney fees, costs and any further relief the arbitration find just and equitable.

Respondents request that the arbitrators dismiss Claimants claims in their entirety and assess the costs of these proceedings against Claimant.

AWARD

On February 8, 1990, said dates representing one hearing session in Atlanta, Georgia the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant and

Respondent hereto. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. The claim of Claimant Marmelo Farms, Inc. against Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc. and George G. Riles shall be dismissed.
2. The parties shall each bear their respective costs including attorney fees.
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain filing fee previously deposited by the Claimant as costs of the hearing session conducted in this matter.

CONCURRING ARBITRATORS

  
JAMES C. BUSSART

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DREW R. FULLER

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RONALD W. LANKFORD

DATED: March 29th, 1990

Respondent hereto. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

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