

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between
Helen O. Warinsky

Claimant(s)

vs.

Merrill Lynch, Pierce, Fenner & Smith,
Inc. and Delight R. Green

Respondent(s)

NOTICE OF
ARBITRATION
AWARD
89-02931

CASE SUMMARY

Claimant(s) Helen O. Warinsky alleged that Respondent(s) Merrill Lynch, Pierce, Fenner & Smith, Inc. and Delight R. Green sold securities to Claimant which were unsuitable and failed to disclose the risks involved. Claimant further alleges that Respondents entered into a settlement agreement with other purchasers of the subject securities yet denies culpability to Claimant. Respondent(s) maintain that Claimant was aware of the risks involved, and in fact subsequently purchased additional shares from another broker after Respondents tried to discourage the initial purchase.

RELIEF REQUESTED

Claimant(s) Helen O. Warinsky requested damages of One Thousand One Hundred Forty Four Dollars and No Cents (\$1,144.00) plus interest from the date of sale which established the monetary loss. Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Roneé C. McLaughlin, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on October 16, 1989 and by Respondent(s) on January 17, 1990, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondents(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

That the claim of the Claimant shall be and hereby is dismissed in all respects.

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The parties shall each bear their respective costs including attorney's fees.

The \$25.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) will be retained by the NASD as costs of this proceeding.

March 7, 1990

Forum fees Assessed Against: Claimants, jointly and severally, in the amount of \$1325 and against Respondents, jointly and severally, in the amount of \$1875.

Fees are payable to the National Association of Securities Dealers, Inc.

By The Arbitration Panel:

Dated:

Cassandra Mihalchick, Esq.
Cassandra Mihalchick, Esq., Chairperson
Public Arbitrator

6-22-92

James H. Colburn
Public Arbitrator

John Robert Kelly
Industry Arbitrator

Forum fees Assessed Against: Claimants, jointly and severally, in the amount of \$1325 and against Respondents, jointly and severally, in the amount of \$1875.

Fees are payable to the National Association of Securities Dealers, Inc.

By The Arbitration Panel:

Dated:

Cassandra Mihalchick, Esq., Chairperson
Public Arbitrator 929-3900

James H. Colburn
Public Arbitrator

John Robert Kelly
Industry Arbitrator

21 June 1995

Forum fees Assessed Against: Claimants, jointly and severally, in the amount of \$1325 and against Respondents, jointly and severally, in the amount of \$1875.

Fees are payable to the National Association of Securities Dealers, Inc.

By The Arbitration Panel:

Dated:

Cassandra Mihalchick, Esq., Chairperson
Public Arbitrator

James H. Colburn
James H. Colburn
Public Arbitrator

John Robert Kelly
Industry Arbitrator

June 23, 1992