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N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Merrill Lynch, Pierce, Fenner & Smith Inc.  
Claimant

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OCT 16 1991

ARBITRATION-CHICAGO

vs .

90-02431

Paul Van Meter

Respondent

10/6/91

REPRESENTATION OF PARTIES

Claimant Merrill Lynch, Pierce, Fenner & Smith Inc. was represented by Jean Frizzell, Esq., of Gibbs and Ratiff, Houston, Texas.

Respondent Paul Van Meter appeared pro se.

CASE SUMMARY

In a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on or about July 5, 1990, Claimant Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") alleged that Respondent, Paul Van Meter ("Meter") opened a Cash Management Account ("CMA") with his employer at the time, Merrill Lynch; and a debit balance in the CMA is now due and owing, but Meter refuses and continues to refuse to pay the debit balance in his account with Merrill Lynch, despite the CMA Agreement.

On or about August 9, 1991, Respondent Paul Van Meter filed, with the NASD, his Amended Statement of Answer which was submitted in lieu of Respondent's Original Statement of Answer. Respondent's Original Statement of Answer was filed on or about January 23, 1991. Respondent Meter alleged that he received a third party check of \$10,000 (Ten Thousand Dollars) which he deposited in his CMA with Merrill Lynch. Subsequently, the check was returned for insufficient funds, resulting in a debit balance in the CMA.

### RELIEF REQUESTED

Claimant requested actual damages of Nine Thousand Eight Hundred Seventy Dollars and Fourteen Cents (\$9,870.14), interest of Five Thousand Eight Hundred Ninety Two Dollars and Fifty Cents (\$5,892.50), attorney's fees of \$3,500 and, costs and expenses incurred.

Respondent requested that the claim be dismissed and that costs be assessed against Claimant.

### PROCEDURAL MATTERS

On August 20, 1991 in Houston, Texas during a hearing lasting a total of two (2) sessions, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed on or about December 20, 1990 by Claimant Sebastian L. Pandolfo on behalf of Claimant Merrill Lynch, Pierce, Fenner & Smith, and on or about August 9, 1991 by Respondent Paul Van Meter.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD.

### AWARD

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

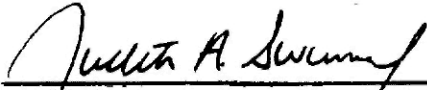
1. Respondent Paul Van Meter shall be and hereby is liable for and shall pay to Claimant Merrill Lynch, Pierce, Fenner & Smith, Inc. the sum of Nine Thousand Eight Hundred Seventy Dollars and Fourteen Cents, (\$9,870.14);
2. Respondent Paul Van Meter shall be and hereby is liable for and shall pay to Claimant Merrill Lynch, Pierce, Fenner & Smith, Inc. interest of Five Thousand Eight Hundred Ninety Two Dollars and Fifty Cents (\$5,892.50) calculated at the rate of 18% per annum;

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3. Respondent Paul Van Meter shall be and hereby is liable for and shall pay to Claimant Merrill Lynch, Pierce, Fenner & Smith, Inc. attorney's fees in the amount of Two Thousand Dollars and No Cents (\$2,000.00);
4. Pursuant to Section 44(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the hearing session deposit in the amount of \$300.00 previously deposited with the NASD by the Claimant Merrill Lynch, Pierce, Fenner & Smith, Inc.
5. Respondent Paul Van Meter shall be and hereby is liable for and shall pay to the NASD the sum of \$300 which is the additional cost of the hearing session.

Dated:

9.28-91

  
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Judith A. Swamy Esq.  
Presiding Chair  
Public Arbitrator

*Served by NASD  
10.21-91*