

N.A.S.D. AWARD

Arbitration

©  
NATIONAL ASSOCIATION OF SECURITIES DEALERS

National Association of  
Securities Dealers, Inc.  
One East Broward Boulevard  
Suite 1000  
Ft. Lauderdale, Florida 33301  
(305) 522-7391

In the Matter of the Arbitration Between )

Name of Claimant(s) )

Louis Tovim )

) Case No. 91-02846

Name of Respondent(s) )

Merrill Lynch Pierce Fenner & Smith Inc )

William Katker, III )

REPRESENTATION

For Claimant, Louis Tovim ("Tovim"): pro se.

For Respondents, Merrill Lynch, Pierce, Fenner & Smith, Inc. (Merrill Lynch) and William Katker, III ("Katker"): Paul S. Stuart of Stuart & Walker, P.A.

CASE INFORMATION

Statement of Claim filed: September 13, 1991. Claimant's Submission Agreement signed: September 9, 1991.

A joint Statement of Answer of Respondent, Merrill Lynch's, and Katker filed: December 3, 1991. Respondent, Merrill Lynch's Submission Agreement signed: December 3, 1991 by Christopher D. Cavuoti on behalf of Merrill Lynch and on November 14, 1991 by Katker.

HEARING INFORMATION

Hearing Date/Sessions: September 18, 1992/One (1) Session

CASE SUMMARY

Claimant alleged that he is an unsophisticated investor whose investment objectives were that of safety and low risk when in March of 1989 Respondents, notwithstanding his instructions to roll over his CD's (Pioneer Borlando Florida) to another CD, invested his money in "Allied Stores" which was risky and caused him financial losses.

Respondents denied all allegations of wrongdoing or liability and maintained that Claimant purchased the CDs because of their relatively high interest rate and that Claimant did not express a concern over risk to Respondent, Katker. Respondents further maintained that all purchases were authorized by Claimant and that Claimant was furnished with prospectuses with respect to all of his investments.

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RELIEF REQUESTED

Claimant requested an award of damages in the amount of \$9,000.00.

Respondents requested that Claimant's Claim for damages be denied in all respects and that the cost of this proceeding be assessed against Claimant.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents, Merrill Lynch Pierce Fenner & Smith, Inc. and William Katker, III, are found liable, jointly and severally, and shall pay to the Claimant the amount of One Thousand Eighty Five Dollars and No Cents (\$1,085.00) including interest.

OTHER COSTS

The parties shall each bear all costs and expenses incurred by them in connection with this proceeding including attorney's fees.

FORUM FEES

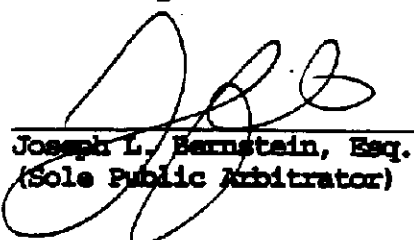
Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Arbitrator has assessed forum fees in the amount of \$200.00 (one session x \$200.00 per session).

1. Claimant is hereby assessed \$100.00 for which the NASD shall retain the \$200.00 previously deposited in full satisfaction thereof;
2. Respondents, Merrill Lynch and Katker, are hereby assessed forum fees in the amount of \$100.00, jointly and severally, payable directly to the Claimant;
3. The NASD, Inc. shall retain the \$75.00 non-refundable deposit previously paid by Claimant.

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

ARBITRATOR

Concurring Arbitrator's Signature

  
Joseph L. Bernstein, Esq.  
(Sole Public Arbitrator)

Date of Award: October 26, 1992