

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Shariar & Shahrouz Vazan

vs.

NASD #92-00846

Name of Respondents

Merrill Lynch, Pierce, Fenner & Smith, Inc.
Sasan Faiz

REPRESENTATION

For Claimants: Michael A. Bertz, Esq., Los Angeles, California

For Respondents: V. James Mann, Esq., Merrill, Lynch, Pierce, Fenner & Smith, Inc., New York, New York.

CASE INFORMATION

Statement of Claim filed: March 10, 1992

Amended Statement of Claim filed: July 29, 1992

Claimants' Submission Agreement signed: March 25, 1992

Joint Statement of Answer filed: May 21, 1992

Respondents' Submission Agreements signed on:

Merrill Lynch: May 18, 1992

Sasan Faiz: April 27, 1992

HEARING INFORMATION

Hearing Date/ Sessions: October 2, 1992 (two sessions)
November 19, 1992 (two sessions)
November 20, 1992 (two sessions)

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimants alleged churning, fraud, breach of fiduciary duty, unauthorized trading, failure to execute, failure to supervise and lack of suitability with respect to Claimants' investments in common stocks and options.

Respondents denied all allegations of wrongdoing, and asserted that Claimant Vazan was an aggressive trader, admittedly a speculator, who authorized all trading in the account.

RELIEF REQUESTED

Claimant requested damages of Ninety-Nine Thousand and Nine Hundred Eighty-Five Dollars and Zero Cents (\$99,985.00), plus punitive damages of Two Hundred Thousand Dollars and Zero Cents (\$200,000), interest and costs of arbitration.

Respondents requested dismissal of all claims.

OTHER ISSUES CONSIDERED & DECIDED

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 originals remain on file with the NASD.

AWARD

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

1. All claims, including the claim for punitive damages, asserted by Claimants are dismissed in their entirety.
2. The parties shall each bear their respective costs including attorneys' fees.

OTHER COSTS

None.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$750 hearing session deposit previously deposited by the Claimants.

Forum fees of \$2,500 (5 sessions @ \$500.00/session) are assessed jointly and severally against Respondents.

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

ARBITRATION PANEL

Name

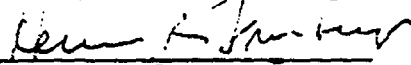
Public/Industry

Public Arbitrator

Public Arbitrator

Industry Arbitrator

Respondent's Signature



Herman R. Friedberg

Date of Decision: Nov 20, 1992

Served Dec 15, 1992