

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Virginia Harter

vs.

NASD #93-02404

Name of Respondents

Merrill Lynch Pierce Fenner & Smith, Inc.
Donna Bloom

REPRESENTATION

For Claimant: Claimant appeared in pro per.

For Respondents: Stephen M. Bales, Esq., Ziegler, Metzger & Miller, Cleveland, Ohio

CASE INFORMATION

Statement of Claim filed: June 18, 1993

Claimant's Submission Agreement signed: June 4, 1993

Joint Statement of Answer filed: September 2, 1993

Respondents' Submission Agreements signed:

Merrill Lynch: August 31, 1993

Donna Bloom: September 2, 1993

HEARING INFORMATION

Hearing Date/(Sessions): January 19, 1994 - 2 sessions

Hearing Location: San Francisco, California

CASE SUMMARY

Claimant alleged lack of suitability with respect to her investments in limited partnerships (ML-LEE and ML-MEDIA).

Respondents denied the allegations of wrongdoing and asserted that Claimant did meet the suitability requirements of the limited partnerships at issue. Respondents also asserted that the claims are barred by the applicable statutes of limitations, and that Claimant failed to mitigate damages.

RELIEF REQUESTED

Claimant requested damages of \$21,000 plus 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. Respondent Merrill Lynch is liable for and shall pay to Claimant the sum of \$4,250 exactly.

2. Respondent Donna Bloom is liable for and shall pay to Claimant the sum of \$4,250 exactly.
3. The parties shall each bear their respective costs, including attorney's fees.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the NASD shall retain the \$100 non-refundable filing fee, and shall refund the \$300 hearing session deposit previously paid by Claimant.

Respondent Merrill Lynch is assessed \$600 as forum fees for 2 sessions. Fees are payable to the NASD, Inc.

ARBITRATION PANEL

Name

Lester Friedman
Charles B. Stark, Jr
Rudy E. Thorwirth

Public/Industry

Public
Public
Securities

Concurring Arbitrators' Signature



Lester Friedman

Charles B. Stark, Jr.

Rudy E. Thorwirth

Date of Decision: Date Served 3/10/94
 2-21-94