

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant

Richard Merli

93-02760

Name of Respondents

McLaughlin Piven Vogel, Inc.  
Edward Brienza

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**REPRESENTATION**

For Claimant Richard Merli appeared Steven M. Kramer, Esq. of Steven M. Kramer & Associates, New York, NY.

For Respondents McLaughlin Piven Vogel, Inc. and Edward Brienza appeared Ira Cohen of McLaughlin Piven Vogel, Inc.

**CASE INFORMATION**

Statement of Claim filed on July 12, 1993. Claimant's Submission Agreement signed on June 10, 1993.

Statement of Answer filed by McLaughlin Piven Vogel, Inc. and Edward Brienza ("Respondents") on October 1, 1993. Respondent McLaughlin Piven Vogel, Inc.'s Submission Agreement was signed on September 20, 1993 and Respondent Edward Brienza's Submission Agreement was signed on October 25, 1993.

**HEARING INFORMATION**

Hearing Dates/Sessions:	April 22, 1994	-	Two Sessions
	June 27, 1994	-	Two Sessions

Hearing Location: The hearing was held at the NASD offices located in New York City, New York.

**CASE SUMMARY**

Claimant alleged that in December of 1987 an acquaintance referred Claimant to

Respondents be awarded all filing and forum fees in addition to reimbursement of all attorneys' fees in this matter.

### **OTHER ISSUES CONSIDERED & DECIDED**

The parties have agreed to receive a conformed copy of the Award while the original remains on file with the NASD.

### **AWARD**

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

1. All claims against the Respondents be and hereby are denied.
2. All claims for attorneys' fees be and hereby are denied.
3. Each party shall bear their respective costs, including attorneys' fees.

### **FORUM FEES**

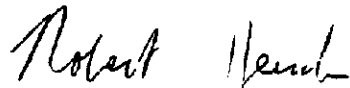
Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed.

4 sessions X \$200 = \$800.00 minus hearing session deposit of 200 = net \$600 due.

The arbitrators have determined that the Respondents be and hereby are liable and shall pay to the NASD the sum of \$600.00 representing outstanding forum fees.

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

Arbitrator's Signature  
Name



Robert D. Herschman, Esq.  
Chairperson - Public Arbitrator

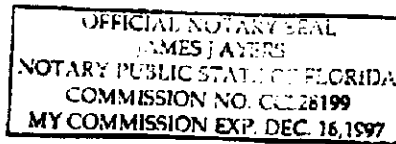
Date of Decision: August 17, 1994

STATE OF FLORIDA

COUNTY OF DADE

On this 9<sup>th</sup> day of AVE, 1994, before me personally appeared ROBERT HERSHMAN known to me to be the individual described in and who executed the foregoing instrument and duly acknowledged to me that he/she executed the same.

James J. Myers



Date of Decision: \_\_\_\_\_