

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Edith R. Streubert

94-01243

Name of Respondent

Merrill Lynch, Pierce, Fenner & Smith, Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on April 5, 1994, Claimant Edith Streubert, who appeared Pro Se, alleged that Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc., sold her ten shares of JMB Hawaii Limited Partnerships at \$1,000.00 per share. Claimant further alleged that she did not receive a prospectus before the purchase nor was she properly advised of the investment risk. Claimant contended that considering her limited income and her low tolerance for risk the Limited Partnership was unsuitable.

Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc., through its in-house representative, Daniel Gardella, Esq., maintained that Claimant's financial consultant, David Decker described to the Claimant all the material elements including the risk at the time of the purchase. Respondent further maintained that Claimant was provided with a prospectus prior to purchase and met the minimum financial suitability standards set forth therein. Respondent further contended that although the Claimant attempted to cancel the transaction immediately after the purchase, she purchased 2 more units of JMB Hawaii less than one month later.

RELIEF REQUESTED

Claimant Edith Streubert, requested \$10,000.00 in actual damages.

Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc., requested that claims of the Claimant Edith Streubert, be dismissed.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Joseph L. Farrell, Jr., Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on March 24, 1994 and by the Respondent on June 20, 1994.

And, the Arbitrator, having considered the proof of the parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc., is liable and shall pay to the Claimant Edith Streubert, \$4,150.00 in actual damages.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Edith Streubert, shall be retained by the NASD, Inc. Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. is liable and shall pay to the Claimant \$150.00 as a reimbursement of the filing fee.

Affirmation

STATE OF

} SS:
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COUNTY OF

I, JOSEPH L. FARRELL, do hereby affirm upon my oath
as arbitrator that I am the individual described in and who executed this instrument,
which is my oath and award.


Signature of Arbitrator

Date of Decision: June 27, 1995