

## **STIPLUATED AWARD**

NASD Regulation, Inc. Office of Dispute Resolution

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In the Matter of the Arbitration Between

**VICTORIA FRANZEL.**

Claimant.

v.

NASD Case No. 96-02042

**PAINWEBBER INCORPORATED  
AND MARK MILASK.**

Respondents.

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### **REPRESENTATION OF PARTIES**

For Claimant Victoria Franzel ("Claimant"), Robert P. Anderson, Esq., of Nemes & Anderson, PC, located in Farmington Hills, Michigan.

For Respondents PaineWebber Incorporated and Mark Milask ("Respondents"). Lisa Catalano Tillem, Esq., in-house counsel at PaineWebber Incorporated, located in Weehawken, New Jersey.

### **CASE INFORMATION**

Statement of Claim was filed on June 12, 1996.

Claimant's Submission Agreement was signed on April 30, 1996.

Respondents' Statement of Answer was filed on August 1, 1996.

Respondents' Submission Agreement was signed on August 1, 1996.

### **HEARING INFORMATION**

No hearings were held in this matter.

### **CASE SUMMARY**

In a claim filed with the National Association of Securities Dealers, Inc. on June 12, 1996, Claimant Victoria Franzel, through her representative Robert P. Anderson, Esq. of Nemes & Anderson, PC in Farmington Hills, Michigan, alleged that Respondents PaineWebber Incorporated and Mark Milask placed Claimant in investments that were not suitable for her objectives. Claimant further alleges that Respondents violated NASD Rules of Fair Practice, Article 3, paragraph 2152.

Respondents, through their representative, Lisa Catalano Tillem, Esq. of PaineWebber Incorporated, in Weehawken, New Jersey, maintained that the investments were suitable for Claimant and were consistent with her objectives to take moderate risk in order to achieve her primary objective of growth. Respondents further maintain that the investments and the investment strategy were discussed with Claimant, and that she received an analysis of her account on a monthly basis.

### **RELIEF REQUESTED**

Claimant Victoria Franzel initially requested damages between \$100,001 and \$500,000.

Respondents PaineWebber Incorporated and Mark Milask initially requested that the claims of the Claimant be dismissed in their entirety and that Respondents be awarded their costs and fees.

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

Prior to the arbitration hearing, Claimant Victoria Franzel withdrew all claims against Respondent Mark Milask with prejudice and removed him as a respondent in this matter. The parties now jointly request an Award expunging all reference of this matter from Mark Milask's record with the Central Registration Depository of the NASD.

**STIPLUATED AWARD**

The Arbitration Panel having reviewed the stipulation of the parties, attached as Exhibit A, and made a part hereof by reference, hereby enter the following award:

- (1) That this matter is ordered expunged from the Central Registration Depository of the National Association of Securities, Inc. for the record of Respondent Mark Milask; and
- (2) That any other relief not specifically addressed is hereby denied with prejudice.

**FORUM FEES**

All relevant forum fees have been paid.

Concurring Arbitrators' Signatures:

/s/ George P. Doom  
George P. Doom  
Chairperson  
Public Arbitrator

April 20, 1998  
Dated:

/s/ Terrence J. Dorcy  
Terrence J. Dorcy  
Panelist  
Public Arbitrator

April 19, 1998  
Dated:

/s/ Jay B. MacKenzie  
Jay B. MacKenzie  
Panelist  
Industry Arbitrator

April 20, 1998  
Dated:

For NASD Regulation use only:  
Date award served on parties:

April 24, 1998

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

VICTORIA FRANZEL,

Claimants,

vs.

PAINEWEBBER INCORPORATED  
and MARK MILASK,

Respondents.

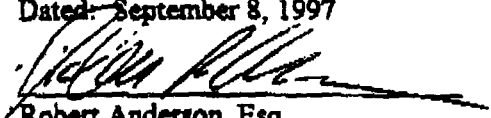
NASD Case No.  
96-02042


STIPULATION OF  
WITHDRAWAL AND  
DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the undersigned parties that any and all claims asserted against Mr. Mark Milask in this arbitration are hereby withdrawn with prejudice and Mr. Milask is dismissed and Mr. Milask's name be removed from the caption of this matter;

IT IS FURTHER STIPULATED AND AGREED that the parties here jointly move for an Order by the Arbitration Panel expunging all reference of this matter from Mr. Mark Milask's Central Registration Depository ("CRD") and submit the attached proposed Order for that purpose.

Dated: September 8, 1997

  
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Victoria Franzel

  
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Attorney for Respondents  
PaineWebber Incorporated and  
Mark Milask

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