

9710904

**N.A.S.D. REGULATION AWARD**  
**NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.**

CASE: 96-05583

Elliott W. Weinstein, claimant v. Merrill Lynch Pierce Fenner & Smith Inc, Thomas Philips, David Buchanan, Mark Brennan and Marie A. Vavra-Coleman respondents.

---

**ATTORNEYS:**

Claimant appeared pro se - York, PA.

For Respondents appeared Christopher D. Cavuoti, Esq. - New York, NY.

---

**DATE FILED:** 12/17/96

---

**CASE SUMMARY:** Claimant alleged unauthorized trading and poor business practice.

---

**Claim Data**

Claim: \$4,844.66

Punitive: \$.00

Atty Fees: \$.00

Filing Fees: \$.00

Other: \$.00

**Award Data**

Award: \$.00

Punitive: \$.00

Atty Fees: \$.00

Filing Fees: \$.00

Other: \$.00

---

**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of claimant are dismissed in their entirety. 2) All other requests for relief are denied. 3) The \$125.00 filing fee previously deposited by the claimant with the National Association of Securities Dealers Regulation, Inc. shall be retained by NASD Regulation, Inc.

---

**ARBITRATOR'S REPORT:** In addition to dismissal of the within arbitration, the undersigned has considered and reviewed the entire predicate for the motion of the Respondents and, particularly, that portion thereof which requests "... that the record be expunged for Respondents [Thomas] Philips, [David] Buchanan, and [Maria A.] Vavra-Coleman..." I find and determined as a matter of fact that, at all times relevant, respondent Philips was the Resident Vice-president and Respondent Buchanan was the Administrative Manager for the branch office of Respondent Merrill Lynch at South George Street in York, Pennsylvania; and that Respondent Vavra-Coleman was an attorney in the Office of the General Counsel of Respondent Merrill Lynch.

I further specifically find and determine that no credible factual assertions have been raised, demonstrated or inferred as to any involvement by Respondents Philips or Respondent Buchanan in the transactions in question or any possible culpability therefor. Any additional, alternative

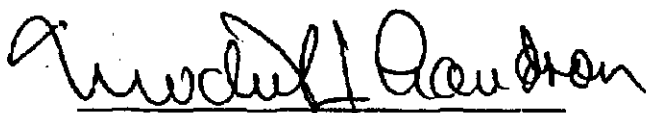
Page Two  
Award 96-5583

theories of liability have neither been raised nor proven by the Claimant. However, given the liberality to be applied to pleadings, particularly in view of the fact that the Claimant herein has appeared pro se, the motion to "expunge the record" as to those Respondents must, very regrettably, be denied.

More disturbing, however, is the inclusion of Ms. Maria A. Vavra-Coleman, an attorney who was clearly and irrefutable acting at all times only in a legal capacity on behalf of Merrill Lynch. Allegations of wrongdoing by Ms. Vavra-Coleman as inferred by the Claimant are so patently without any basis in fact or law that, had not the instant motion been raised by Respondents, same would have been made sua sponte. Accordingly, that branch of the Respondents' motion which seeks to expunge references in the record as to Ms. Vavra-Coleman is granted in all respects. Furthermore, the instant claim as against her only shall not be deemed to be a "reportable" event for purposes of any uniform statement or form utilized in the securities industry.

**AFFIRMATION**

I, Michel J. Landron, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

  
Michel J. Landron, Esq.

September 12, 1997  
Date of award