

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

CASE: 99-02601 consolidated with 99-2602

Connie J. Ridzinski and Alan Ridzinski, claimants vs. Merrill Lynch Pierce Fenner & Smith, Inc., and Suellen Cramer, respondents, vs. Stephen E. Berube, third party respondent.

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**ATTORNEYS:**

Claimant Connie J. Ridzinski ("Claimant"), appeared Pro Se., Peachtree City, GA.

Claimant Alan Ridzinski ("Claimant") (collectively "Claimants"), appeared Pro Se., Peachtree City, GA.

For Respondent Merrill Lynch Pierce Fenner & Smith ("Merrill Lynch") and Suellen Cramer ("Cramer") (collectively, "Respondents"), Michael G. Constantine, Office of General Counsel for Merrill Lynch Pierce Fenner and Smith, New York, NY.

For Respondent Stephen E. Berube ("Berube"), Steven L. Manchel, P.C., Manchel & Associates, Newton, MA.

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**DATE FILED:** 6/7/1999

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**CASE SUMMARY:** Claimants alleged that Respondents sold out 10 Intel, January 1999-95, call positions in her account when she only owned 5 call positions. Claimants further alleged that as a result of this transaction they were forced to cover 10 short positions in Intel.

Respondents asserted a third party claim against Berube for indemnification.

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<b>Claim Data</b>	<b>Award Data</b>
Claim: \$9,907.25 Filing Fees: \$.00	Award: \$9,907.25 Filing Fees: \$325.00
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<b>Third Party Claim Data</b> Claim: Indemnification	<b>Third Party Claim Award Data</b> Claim: Denied

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent Merrill Lynch is hereby liable and shall pay to the Claimants \$19,814.50. 2) All third party claims against Berube are hereby dismissed in their entirety. 3) All other relief requests are denied. 4) The total filing fee of \$650.00 previously deposited for case numbers 99-2601 and 99-2602, with the National Association of Securities Dealers Regulation, Inc. by the Claimants, shall be retained by NASD Regulation, Inc. 5) Respondent Merrill Lynch is hereby liable and shall pay to the Claimants \$650.00 as reimbursement of the filing fee.

Page Two

Award 99-02601 / 99-2602 Consolidated

**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent Merrill Lynch, & Smith, Inc., has paid to NASD Regulation, Inc. the \$800.00 Member Surcharge previously invoiced for cases 99-02601 and 99-02602.

**AFFIRMATION**

I, Ralph S. Padca, 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.

  
Ralph S. Padca

June 8, 2000  
Date of award