

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 99-04140

Merrill Lynch Pierce Fenner & Smith Inc., claimant vs. Empire Atlantic Capital Corp., respondent.

ATTORNEYS:

For claimant, Merrill Lynch, Pierce, Fenner & Smith Inc., appeared, Kathy D. Patrick Esq., of the firm, Gibbs & Bruns LLP, Houston, TX.

Respondent Empire Atlantic Capital Corp., did not respond to the Statement of Claim.

DATE FILED: September 8, 1999

CASE SUMMARY: Claimant alleged respondent failed and refused to meet maintenance calls to bring their account to the required equity levels, which resulted in the sale of the securities and a remaining debit balance.

Claim Data

Claim: \$17,302.00

Atty Fees: reasonable fees

Filing Fees: \$.00

Other: unspecified

Interest: prejudgment/postjudgment allowed by law

Costs: unspecified

Award Data

Award: \$17,302.00

Atty Fees: \$950.00

Filing Fees: \$1,050.00

Other: \$.00

Interest: \$.00

Costs: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$17,302.00. 2) Respondent is liable and shall pay to claimant \$950.00 in attorney fees. 3) All other relief requests are denied. 4) The \$1,050.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 5) Respondent is liable and shall pay claimant \$1,050.00 as reimbursement of the filing fee.

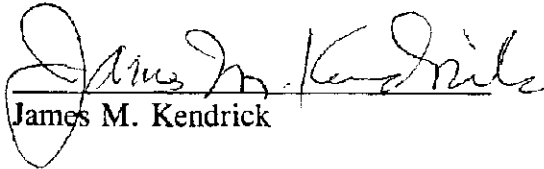
OTHER FEES: Pursuant to Rule 10333 of the Code, claimant has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

OTHER ISSUES: Pursuant to the By-Laws of NASD Dispute Resolution, Inc. the arbitrator determined that respondent Empire Atlantic Capital Corp. was served notice of the Statement of Claim by regular mail, Overdue Notice and Notification of Arbitrator by certified mail, and is therefore bound by the arbitrator's ruling and determination.

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AFFIRMATION

I, James M. Kendrick, 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.


James M. Kendrick

August 29, 2000
Date of award