

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Mark Trocinski, Claimant v. Prudential Securities Inc. and Stanley Szymczyk, Respondents

Case Number: 01-02770

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Mark Trocinski,
Santa Monica, California

For Respondent, Prudential Securities, Inc.:

Arthur G. Baumgartner, V.P.
Prudential Securities, Inc.
New York, New York

For Respondent, Stanley Szymczyk:

Stanley Szymczyk
Newport Beach, California

CASE INFORMATION

Statement of Claim filed on or about May 21, 2001.

Claimant's Uniform Submission Agreement signed on or about May 21, 2001.

Amended Statement of Claim filed on or about August 31, 2001.

Statement of Answer and Counterclaim filed by Respondent Prudential Securities Inc. on or about March 12, 2002.

CASE SUMMARY

Claimant alleged that due to margin calls relating to EMLX securities, he was required to pay a \$12,36.77 balance on his brokerage account. Respondent Prudential Securities, Inc. denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim, asserted affirmative defenses and asserted a counterclaim.

RELIEF REQUESTED

Claimant requested compensatory damages of \$14,000.00, punitive damages of \$2,000.00, and costs, including attorney's fees.

Respondent Prudential Securities, Inc. requested dismissal of the Claimant's Amended Statement of Claim in its entirety. Further, Respondent Prudential Securities Inc. asserted a counterclaim in the amount of \$12,368.67, plus interest, for the remaining deficiency in Claimant's brokerage account.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant dismissed Respondent Stanley Szymczyk without prejudice on or about February 11, 2002.

Respondent Prudential Securities, Inc. did not file with NASD Dispute Resolution a properly executed submission agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") and having answered the claim, appeared and testified at the hearing, is bound by the determination of the Arbitrator on all issues submitted.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, testimony, and evidence presented at the hearing, the Arbitrator decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's claims are denied in their entirety.
- 2) Claimant is liable to and shall pay Counterclaimant/Respondent Prudential Securities, Inc. the sum of \$12,368.67 in compensatory damages.
- 3) Claimant is liable to and shall pay Counterclaimant/Respondent Prudential Securities, Inc. interest in the amount of 10% per annum on \$12,368.67 from August 23, 2001 until the date compensatory damages are paid to Respondent.
- 4) The parties shall bear their respective costs, including attorney's fees.
- 5) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Claimant's Initial Claim Filing Fee	= \$ 125.00
Respondent Prudential Securities Inc.'s Counterclaim Filing Fee	= \$ 750.00

Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Prudential Securities, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 400.00
Pre-Hearing Process Fee	= \$ 0.00
Hearing Process Fee	= \$ 0.00
Total Member Fees	= \$ 400.00

Forum Fees and Assessments

The Arbitrator assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is defined as any meeting between the parties and the Arbitrator that is four (4) hours or less. The following fees are assessed:

1 Pre-hearing conference session with a single arbitrator @ \$450/session	= \$ 450.00
Pre-hearing conference: April 9, 2002 1 session	
1 Hearing session @ \$450/session	= \$ 450.00
Hearing: June 27, 2002 1 session	
Total Forum Fees	= \$ 900.00

1. The Arbitrator assessed \$450.00 of the forum fees to Claimant Mark Trocinski.
2. The Arbitrator assessed \$450.00 of the forum fees to Respondent, Prudential Securities, Inc.

Fee Summary

1. Claimant Mark Trocinski is charged with the following fees and costs:

Initial Filing Fee	= \$ 125.00
Forum Fees	= \$ 450.00
Total Fees	= \$ 575.00
Less payments	=(\$ 575.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent Prudential Securities, Inc. is charged with the following fees and costs:

Counterclaim Filing Fee	= \$ 750.00
Member Fees	= \$ 400.00
Forum Fees	= \$ 450.00
Total Fees	= \$1,600.00
Less payments	=(\$1,600.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

All balances are payable to NASD Dispute Resolution and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

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ARBITRATION PANEL

Norman Cousins Sasamori, Esq., LLM

Public Arbitrator

Arbitrator Signature



Norman Cousins Sasamori, Esq., LLM
Public Arbitrator

August 9, 2002
Signature Date

August 9, 2002
Date of Service
(NASD Use Only)