

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 02-06881

Prudential Securities, Incorporated

Name of the Respondent

Hearing Site: Boca Raton, Florida

Roselyn Vilovar

Nature of Dispute: Member vs. Customer.

REPRESENTATION OF PARTIES

For Prudential Securities, Incorporated, hereinafter referred to as "Claimant": Richard L. Martens, Esq. and Matthew N. Thibaut, Esq., Boose Casey Ciklin Lubitz Martens McBane & O'Connell, West Palm Beach, Florida.

Roselyn Vilovar, hereinafter referred to as "Respondent", did not appear.

CASE INFORMATION

Statement of Claim filed on or about: November 12, 2002.

Claimant signed the Uniform Submission Agreement: November 4, 2002.

Motion for Default filed by Claimant on or about: May 27, 2003.

Second Motion for Default filed by Claimant on or about: October 17, 2003.

Respondent did not file a Statement of Answer or executed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the causes of action of breach of contract and unjust enrichment. The causes of action relate to a debit balance in Respondent's account created by a returned check, the purchase and sale of shares of AVANEX Corp. stock and various Visa charges.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$61,038.04, plus attorneys' fees, costs and any other relief deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent did not appear in this matter. Upon review of the file and the representations made by Claimant, the Panel determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure

(the "Code").

Respondent did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and is bound by the determinations of the Panel on all issues submitted.

On or about June 19, 2003, the Panel issued an order which denied Claimant's Motion for Default.

On or about October 22, 2003, the Panel issued an order which deferred ruling on Claimant's Second Motion for Default until the commencement of the evidentiary hearing on October 24, 2003.

During the evidentiary hearing on October 24, 2003, the Panel denied Claimant's Second Motion for Default.

The party present at the hearing agreed that the Award in this matter may be executed in counterpart copies.

AWARD

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

Respondent is found liable on the claims of breach of contract and unjust enrichment and shall pay to Claimant compensatory damages in the amount of \$61,038.04.

Pursuant to the contract between Claimant and Respondent, Claimant shall have the right to pursue attorneys' fees in a court of competent jurisdiction.

Respondent is liable and shall pay to Claimant the sum of \$1,000.00 representing reimbursement of the claim filing fee previously paid by Claimant to NASD Dispute Resolution.

Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$1,000.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

Adjournment Fees

No requests for adjournments were filed in this matter.

Injunctive Relief Fees

No injunctive relief fees were incurred in this matter.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with the Panel @ \$750.00	= \$ 750.00
Pre-hearing conference: June 19, 2003	1 session
One (1) Hearing session @ \$750.00	= \$ 750.00
Hearing Date: October 24, 2003	1 session

Total Forum Fees	= \$1,500.00
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The Panel has assessed the total forum fees of \$1,500.00 to Respondent.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to: additional copies of arbitrator awards; copies of audio transcripts; retrieval of documents from archives; interpreters; and, security.

No administrative costs were incurred in this matter.

FEE SUMMARY

Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$3,550.00
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Total Fees	= \$4,550.00
Less payments	= \$4,550.00

Balance Due NASD Dispute Resolution	= \$ 0.00
Respondent is solely liable for:	
Forum Fees	= \$1,500.00
Total Fees	= \$1,500.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,500.00

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

ARBITRATION PANEL

Richard E. Conner, Esq.	-	Public Arbitrator, Presiding Chair
Cynthia B. Stone	-	Public Arbitrator
Kris Andrew Rosado, CFP	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/ 11/01/03

Richard E. Conner, Esq.
Public Arbitrator, Presiding Chair

Signature Date

/s/ 10/31/03

Cynthia B. Stone
Public Arbitrator

Signature Date

/s/ 10/31/03

Kris Andrew Rosado, CFP
Non-Public Arbitrator

Signature Date

11/03/03

Date of Service (For NASD Dispute Resolution office use only)

Balance Due NASD Dispute Resolution	= \$ 0.00
Respondent is solely liable for:	
Forum Fees	= \$1,500.00
Total Fees	= \$1,500.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,500.00

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


ARBITRATION PANEL

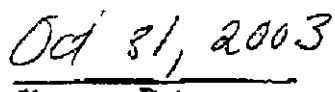
Richard E. Conner, Esq.	-	Public Arbitrator, Presiding Chair
Cynthia B. Stone	-	Public Arbitrator
Kris Andrew Rosado, CFP	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Richard E. Conner, Esq.
Public Arbitrator, Presiding Chair

Signature Date


Cynthia B. Stone
Public Arbitrator


Signature Date

Kris Andrew Rosado, CFP
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

Balance Due NASD Dispute Resolution	= \$ 0.00
Respondent is solely liable for:	
Forum Fees	= \$1,500.00
Total Fees	= \$1,500.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,500.00

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ARBITRATION PANEL

Richard E. Conner, Esq.	Public Arbitrator, Presiding Chair
Cynthia B. Stone	Public Arbitrator
Kris Andrew Rosado, CFP	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Richard E. Conner, Esq.
Public Arbitrator, Presiding Chair

November 1, 2003
Signature Date

Cynthia B. Stone
Public Arbitrator

Signature Date

Kris Andrew Rosado, CFP
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

Balance Due NASD Dispute Resolution	= \$ 0.00
Respondent is solely liable for:	
Forum Fees	= \$1,500.00
Total Fees	= \$1,500.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,500.00

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ARBITRATION PANEL

Richard E. Conner, Esq.	-	Public Arbitrator, Presiding Chair
Cynthia B. Stone	-	Public Arbitrator
Kris Andrew Rosado, CFP	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Richard E. Conner, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Cynthia B. Stone
Public Arbitrator

Signature Date



Kris Andrew Rosado, CFP
Non-Public Arbitrator

10/31/03
Signature Date

Date of Service (For NASD Dispute Resolution office use only)