

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Allan Kaytes (Claimant) v. Prudential Securities, Inc. and John C. Ricker (Respondents)

Case Number: 02-06959

Hearing Site: New York, New York

Nature of the Dispute: Customer v. Member and Associated Person

REPRESENTATION OF PARTIES

Claimant Allan Kaytes ("Kaytes") hereinafter referred to as "Claimant": Peter R. Bray, Esq., Bray, Chiocca & Miller, LLC, Parsippany, NJ.

Respondents Prudential Securities, Inc. ("PSI") and John C. Ricker ("Ricker") hereinafter collectively referred to as "Respondents": Christopher Lewis, Esq., Kirkpatrick & Lockhart, LLP, New York, NY. Previously represented by: Patricia A. Fitzpatrick, Esq., Prudential Securities, Inc., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: November 15, 2002.

Claimant signed the Uniform Submission Agreement.

Joint Statement of Answer filed by Respondents on or about: January 14, 2003.

PSI signed the Uniform Submission Agreement: January 14, 2003.

Ricker signed the Uniform Submission Agreement: January 14, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: that he did not authorize or request the transferring of his mother's IRA account into his personal account, but instead his representatives instructed Respondents to rollover Kaytes' mother's IRA account into a Decedent's IRA account.

Claimant alleged that due to the rollover into his personal account that occurred, he lost the benefit of tax protection and incurred a tax liability. The causes of action relate to unspecified securities.

Unless specifically admitted in its Answer, Respondents denied the allegations of wrongdoing set forth in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested damages in the amount of the tax liability of approximately \$50,000.00, counsel fees, costs, and such other relief as is just and equitable.

Respondents requested that Claimant's claims be denied in their entirety, and that all costs and damages be awarded to the Respondents as the Panel sees fit, including the court costs involved with expunging this matter from Respondent Ricker's record.

OTHER ISSUES CONSIDERED AND DECIDED

All parties to the Arbitration agreed to dismiss all claims against each other prior to the entry of this Stipulated Award.

The parties have entered into a settlement agreement pursuant to which they have stipulated to dismiss this proceeding.

AWARD

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Arbitrator grants the motion and enters this award granting the following relief:

1. All claims are hereby dismissed with prejudice.
2. Respondents' Counterclaim is denied.
3. Each party shall bear its own costs, including forum fees and attorneys' fees.
4. Since the parties stipulate to the fact that no intentional wrongdoing or negligence by Ricker was revealed during discovery, the Panel recommends the expungement of all reference to the above captioned arbitration from Respondent John C. Ricker's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent John C. Ricker must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.
5. All other relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee = \$ 175.00

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, Prudential Securities, Inc. is a party.

Member Surcharge	= \$ 875.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	= \$1,000.00
Total Member Fees	= \$2,625.00

Forum Fees and Assessments

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

One (1) Pre-hearing conference session with the Arbitrator @ \$450.00/session	= \$ 450.00
<u>Pre-hearing conference: July 9, 2003 1 session</u>	
Total Forum Fees	= \$ 450.00

1. The Arbitrator has assessed \$150.00 of the forum fees against Claimant.
2. The Arbitrator has assessed \$150.00 of the forum fees against PSI.
3. The Arbitrator has assessed \$150.00 of the forum fees against Ricker.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 175.00
<u>Forum Fees</u>	= \$ 150.00
Total Fees	= \$ 325.00
<u>Less payments</u>	= \$ 625.00
Refund Due	= \$ 300.00

2. PSI is solely liable for:

Member Fees	= \$2,625.00
<u>Forum Fees</u>	= \$ 150.00
Total Fees	= \$2,775.00
<u>Less payments</u>	= \$2,625.00

Balance Due NASD Dispute Resolution = \$ 150.00



3. Ricker is solely liable for:

<u>Forum Fees</u>	= \$ 150.00
<u>Total Fees</u>	= \$ 150.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 150.00

All balances are due and payable to NASD Dispute Resolution

NAAD Dispute Resolution
Arbitration No. 02-06959
Award Page 5 of 6


Parties' Signatures


Allan Kaytes by 
Claimant

1/16/04
Signature Date


Prudential Securities, Inc.
Respondent

1/15/04
Signature Date


John C. Ricker
Respondent

1/15/04
Signature Date

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To-Kirkpatrick & Lockhart Page 007

Received Jan-16-04 02:22pm From-9737399596


To-kirkpatrick & Lockhart Page 008

ARBITRATOR

William C. Bieluch, Jr., Esq.

Public Arbitrator, Presiding Chair

Arbitrator's Signature


William C. Bieluch, Jr., Esq.
Public Arbitrator, Presiding Chair

2/18/04
Signature Date

February 20, 2004

Date of Service (For NASD office use only)