
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Case Number: 02-07510

Kevin F. and Darlene K. Jursinski JTWROS
Kevin F. Jursinski
Kara M. Jursinski UIMA/FL
Jamie Jursinski UIMA/FL
Lauren B. Jursinski UIMA/FL
KC Sports Management, Inc.
Darlene K. Jursinski
Kevin F. Jursinski, P.A., SEP

Name of the Respondent

Hearing Site: Tampa, Florida

Prudential Securities, Incorporated

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

For Kevin F. and Darlene K. Jursinski JTWROS, Kevin F. Jursinski, Kara M. Jursinski UIMA/FL, Jamie Jursinski UIMA/FL, Lauren B. Jursinski UIMA/FL, KC Sports Management, Inc., Darlene K. Jursinski, and Kevin F. Jursinski, P.A., SEP, hereinafter collectively referred to as "Claimants": Hal Adams, Esq., Smoot Adams Edwards Doragh & Brinson, P.A., Fort Myers, Florida and Kevin F. Jursinski, Esq., Fort Myers, Florida.

For Prudential Securities, Incorporated ("Prudential"), hereinafter referred to as "Respondent": Jordan D. Becker, Vice President, Assistant General Counsel, Prudential, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: December 6, 2002.
Claimants signed the Uniform Submission Agreement: December 26, 2002.
Statement of Answer filed by Respondent on or about: March 28, 2003.
Respondent did not file an executed Uniform Submission Agreement.

CASE SUMMARY

Claimants asserted the following causes of action: failure to execute Claimants' account order to sell; breach of fiduciary duty; and, failure to supervise. The causes of action relate to Claimants' investments in unspecified securities products.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested compensatory damages of \$133,314.01, interest Claimants' portfolio would have generated if transferred to money market and bond positions, costs, attorneys' fees, expert fees, and attendant costs.

Respondent requested dismissal of the Statement of Claim in its entirety, attorneys' fees, costs, and such other and further relief as the undersigned arbitrators (the "Panel") deemed just.

OTHER ISSUES CONSIDERED AND DECIDED

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

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

AWARD

After considering the pleadings, the testimony, and evidence presented at the hearing, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel finds in favor of Respondent, and Claimants' Statement of Claim is dismissed, with prejudice.

Each party is to pay their own costs and attorneys' fees.

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	= \$ 300.00
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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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent Prudential is a member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were granted during these proceedings for which fees were assessed.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were assessed during these proceedings.

Forum Fees and Assessments

The Panel assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four hours or less.

One (1) Pre-hearing session with the full Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: September 2, 2003 1 session	
Six (6) Hearing sessions @ \$1,125.00	= \$6,750.00
Hearing sessions: March 16, 2004 2 sessions	
March 17, 2004 2 sessions	
March 18, 2004 2 sessions	
Total Forum Fees	= \$7,875.00

The Panel has assessed \$3,937.50 of the forum fees jointly and severally to Claimants.
The Panel has assessed \$3,937.50 of the forum fees to Respondent.

Administrative Costs

Administrative costs are 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 during this proceeding.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$3,937.50
Total Fees	= \$4,237.50
Less Payments	= \$1,425.00

Balance Due NASD Dispute Resolution = \$2,812.50

Respondent is solely liable for:

Member Fees	= \$5,200.00
<u>Forum Fees</u>	<u>= \$3,937.50</u>
Total Fees	= \$9,137.50
<u>Less Payments</u>	<u>= \$5,200.00</u>
Balance Due NASD Dispute Resolution	= \$3,937.50

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

ARBITRATION PANEL

Floyd A. Hillstrom, Esq.	-	Public Arbitrator, Presiding Chairperson
William J. Capito, Esq.	-	Public Arbitrator
G. Brooks Euler, Jr.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Floyd A. Hillstrom, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

/s/
William J. Capito, Esq.
Public Arbitrator

Signature Date

/s/
G. Brooks Euler, Jr.
Non-Public Arbitrator

Signature Date

March 25, 2004
Date of Service (For NASD Dispute Resolution office use only)



MAR. 24. 2004 3:44PM

NASD BOCA RATON

NO. 722

NASD Dispute Resolution
Arbitration No. 02-07510
Award Page 4 of 4

Balance Due NASD Dispute Resolution = \$2,812.50

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Forum Fees	= \$3,937.50
Total Fees	= \$9,137.50
Less Payments	= \$5,200.00
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William J. Capito, Esq.	- Public Arbitrator
G. Brooks Euler, Jr.	- Non-Public Arbitrator

Concurring Arbitrators' Signatures



Floyd A. Hillstrom, Esq.
Public Arbitrator, Presiding Chairperson

3/27/04

Signature Date

William J. Capito, Esq.
Public Arbitrator

Signature Date

G. Brooks Euler, Jr.
Non-Public Arbitrator

Signature Date

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

MAR. 24. 2004 3:36PM

NASD BOCA RATON

NO. 721 P. 5

NASD Dispute Resolution
Arbitration No. 02-07510
Award Page 4 of 4

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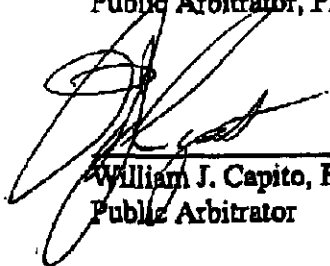
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William J. Capito, Esq.	- Public Arbitrator
G. Brooks Euler, Jr.	- Non-Public Arbitrator

Concurring Arbitrators' Signatures

Floyd A. Hillstrom, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



William J. Capito, Esq.
Public Arbitrator

3/24/04

Signature Date

G. Brooks Euler, Jr.
Non-Public Arbitrator

Signature Date

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



NASD Dispute Resolution
Arbitration No. 02-07510
Award Page 4 of 4

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Concurring Arbitrators' Signatures

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Public Arbitrator, Presiding Chairperson

Signature Date

William J. Capito, Esq.
Public Arbitrator

Signature Date

G. Brooks Euler, Jr.
Non-Public Arbitrator

3/24/04
Signature Date

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