

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Nicholas D. Mecca, Efterpe K. Mecca, and Abbey, Mecca and Company, Inc. (Claimants) v. S. C. Parker & Company, Inc., Prudential Equity Group, LLC f/k/a Prudential Securities, Inc., and Anthony J. Muscarella (Respondents)

Case Number: 03-03419

Hearing Site: Buffalo, New York

Nature of the Dispute: Customers vs. Members and Associated Person.

REPRESENTATION OF PARTIES

Claimants Nicholas D. Mecca ("N. Mecca"), Efterpe K. Mecca ("E. Mecca"), and Abbey, Mecca and Company, Inc. ("AMC") hereinafter collectively referred to as "Claimants": Ryan L. Gellman, Esq., Colucci & Gallaher, P.C., Buffalo, NY.

Respondents Prudential Equity Group, LLC f/k/a Prudential Securities, Inc. ("Prudential") and Anthony J. Muscarella ("Muscarella"): David Rosenfield, Esq., previously Howard R. Elisofon, Esq., Herrick, Feinstein LLP, New York, NY.

Respondents S. C. Parker & Company, Inc. ("S. C. Parker") and Anthony J. Muscarella ("Muscarella"): Robert J. Lane, Jr., Esq., and Catherine Grantier Cooley, Esq., Hodgson Russ, LLP, Buffalo, NY.

CASE INFORMATION

Statement of Claim filed on or about: May 8, 2003.

Claimants signed the Uniform Submission Agreement: April 11, 2003.

Joint Statement of Answer filed by Respondents Prudential and Muscarella on or about: October 20, 2003.

Respondent Prudential signed the Uniform Submission Agreement: October 29, 2003.

Respondent Muscarella signed the Uniform Submission Agreement: September 9, 2003 and October 29, 2003.

Joint Statement of Answer filed by Respondents S.C. Parker and Muscarella on or about: October 10, 2003.

Respondent S.C. Parker signed the Uniform Submission Agreement: September 10, 2003.

Respondent Muscarella signed the Uniform Submission Agreement: September 9, 2003 and

October 29, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: unsuitability; generated excessive fees; disregarded Claimants' investment objectives; churning; breach of fiduciary duty; excessive trading; breach of contract; fraud; negligence; and violations of statutes and regulations 17 CFR §240.10b-5, 15 USC §77(j)(b), 15 USC §771, 15 USC 78r, NASD Rule 2310-1, 2310-2, and NYSE Rule 405. The causes of action relate to unspecified securities.

Unless specifically admitted in their Answer, Respondents Prudential and Muscarella denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

Unless specifically admitted in their Answer, Respondents S.C. Parker and Muscarella denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$400,000.00; interest; attorneys' fees; and punitive damages in the amount of \$400,000.00.

Respondents Prudential and Muscarella requested that Claimants' claims be dismissed in their entirety; costs and expenses, including reasonable attorneys' fees; and any other further relief that is deemed just and proper.

Respondents S. C. Parker and Muscarella requested an award dismissing all claims in the Statement of Claim; an order requesting expungement of this proceeding and all references to Claimants' complaints from the records maintained by the NASD Central Registration Depository; and costs and fees, together with attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have 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, and 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:

1. Claimants' claims are denied in their entirety.
2. Any and all relief not specifically addressed herein, including punitive damages, is 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 = \$375.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated person at the time of the events giving rise to the dispute. Accordingly, S.C. Parker & Co., Inc. and Prudential Equity Group, LLC f/k/a Prudential Securities, Inc. are parties.

Member surcharge = \$2,250.00
Pre-hearing process fee = \$ 750.00
Hearing process fee = \$4,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

November 1-4, 2004, adjournment by Claimants = Waived
July 19, 2005, adjournment by Claimants = Waived

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 Panel @ \$1,200.00 = \$ 1,200.00
Pre-hearing conference: June 1, 2004 1 session

Ten (10) Hearing sessions @ \$1,200.00 = \$12,000.00

Hearing Dates: March 28, 2005 2 sessions
March 29, 2005 2 sessions
March 30, 2005 2 sessions
July 20, 2005 2 sessions
July 21, 2005 2 sessions

Total Forum Fees = \$13,200.00

1. The Panel has assessed \$6,600.00 of the forum fees jointly and severally against Claimants.
2. The Panel has assessed \$3,300.00 of the forum fees against Prudential.
3. The Panel has assessed \$3,300.00 of the forum fees against S.C. Parker.

Fee Summary

1. Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 6,600.00
Total Fees	= \$ 6,975.00
Less payments	= \$ 1,575.00
Balance Due NASD Dispute Resolution	= \$ 5,400.00

2. Respondent S.C. Parker is solely liable for:

Member Fees	= \$ 7,000.00
Forum Fees	= \$ 3,300.00
Total Fees	= \$10,300.00
Less payments	= \$ 7,000.00
Balance Due NASD Dispute Resolution	= \$ 3,300.00

3. Respondent Prudential is solely liable for:

Member Fees	= \$ 7,000.00
Forum Fees	= \$ 3,300.00
Total Fees	= \$10,300.00
Less payments	= \$ 7,000.00
Balance Due NASD Dispute Resolution	= \$ 3,300.00

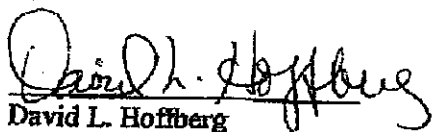
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

David L. Hoffberg	-	Public Arbitrator, Presiding Chairperson
Robert Kingsley Hull, Esq.	-	Public Arbitrator
Vincent Micciche, Jr.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



David L. Hoffberg
Public Arbitrator, Presiding Chairperson

7/29/05
Signature Date

Robert Kingsley Hull, Esq.
Public Arbitrator

Signature Date

Vincent Micciche, Jr.
Non-Public Arbitrator

Signature Date

July 29, 2005
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

David L. Hoffberg
Robert Kingsley Hull, Esq.
Vincent Micciche, Jr.

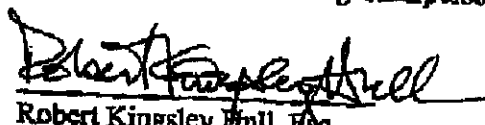
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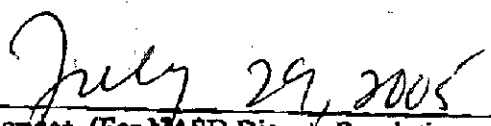

Robert Kingsley Hull, Esq.
Public Arbitrator

7/28/05

Signature Date

Vincent Micciche, Jr.
Non-Public Arbitrator

Signature Date



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7/28/05

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