

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Names of the Claimants

Frank M. Rogers
Huong T. Rogers
James D. Barker
Donna C. Barker
Michael W. Hawes
Donna E. Hawes

Case Number: 05-05527

Name of the Respondent

Prudential Securities, Inc.
n/k/a Prudential Equity Group, LLC

Hearing Site: Washington, D.C.

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

For Frank M. Rogers, Huong T. Rogers, James D. Barker, Donna C. Barker, Michael W. Hawes, and Donna E. Hawes, hereinafter collectively referred to as "Claimants": Bruce D. Oakes, Esq. and Gregg Simmons, Esq., SimmonsCooper, LLC, East Alton, IL.

For Prudential Securities, Inc. n/k/a Prudential Equity Group, LLC ("Prudential"), hereinafter referred to as "Respondent": John J. Murphy, III, Esq., Stradley, Ronon, Stevens & Young, LLP, Philadelphia, PA.

CASE INFORMATION

Statement of Claim filed on or about: October 31, 2005.

Claimants Frank M. Rogers and Huong T. Rogers signed the Uniform Submission Agreement: October 15, 2005.

Claimants James D. Barker and Donna C. Barker signed the Uniform Submission Agreement: October 17, 2005.

Claimants Michael W. Hawes and Donna E. Hawes signed the Uniform Submission Agreement: October 21, 2005.

Statement of Answer filed by Respondent on or about: March 9, 2006.

Respondent signed the Uniform Submission Agreement: January 11, 2006.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty; breach of contract; violation of the Virginia Securities Act; violation of the Virginia Consumer Protection Act of 1977; and, negligence. The causes of action relate to the purchase of unspecified securities in Claimants' accounts.

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

RELIEF REQUESTED

Claimants Frank M. Rogers and Huong T. Rogers requested compensatory damages of approximately \$230,608.00, Claimants James D. Barker and Donna C. Barker requested compensatory damages of approximately \$240,000.00, and Claimants Michael W. Hawes and Donna E. Hawes requested compensatory damages of approximately \$148,601.00. All of the Claimants requested treble damages pursuant to the Virginia Consumer Protection Act of 1977, costs, attorneys' fees pursuant to the Virginia Securities Act and the Virginia Consumer Protection Act of 1977, pre-judgment interest, and whatever additional relief the undersigned arbitrators (the "Panel") believed just and within their authority.

Respondent requested that the Statement of Claim be denied in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

During the evidentiary hearing, Respondent moved to dismiss the Statement of Claim on statute of limitations grounds. Claimants objected to the motion. The Panel denied the motion.

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, 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 liable and shall pay to Claimants Frank M. Rogers and Huong T. Rogers compensatory damages in the sum of \$56,446.00 plus interest at the rate of 6% per annum accruing 30 days after the date of the Award until the date of payment of the Award.

Respondent is liable and shall pay to Claimant James D. Barker compensatory damages in the sum of \$33,601.00 plus interest at the rate of 6% per annum accruing 30 days after the date of the Award until the date of payment of the Award.

Respondent is liable and shall pay to Claimant Donna C. Barker compensatory damages in the sum of \$41,004.00 plus interest at the rate of 6% per annum accruing 30 days after the date of the Award until the date of payment of the Award.

Respondent is liable and shall pay to Claimants Michael W. Hawes and Donna E. Hawes compensatory damages in the sum of \$51,985.00 plus interest at the rate of 6% per annum accruing 30 days after the date of the Award until the date of payment of the Award.

Respondent is liable and shall pay to Claimants the sum of \$500.00 representing reimbursement of the claim filing fee previously paid to NASD Dispute Resolution by Claimants.

Any and all claims for relief not specifically addressed herein, including Claimants' request for treble damages, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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	= \$ 500.00
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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	= \$2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00
Total Member Fees	= \$8,550.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred in this matter.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No three-day cancellation fees were incurred in this matter.

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 incurred in this matter.

Forum Fees and Assessments

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

One (1) Pre-hearing session with the Panel @ \$1,200.00/session	= \$ 1,200.00
Pre-hearing conference: June 7, 2006 1 session	
Eight (8) Hearing sessions @ \$1,200.00/session	= \$ 9,600.00
Hearing Dates: January 29, 2007 2 sessions	
January 30, 2007 2 sessions	
January 31, 2007 2 sessions	
February 1, 2007 2 sessions	
<hr/> Total Forum Fees	<hr/> = \$10,800.00

The Panel has assessed the total forum fees of \$10,800.00 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 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

Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 500.00
<u>Total Fees</u>	= \$ 500.00
<u>Less payments</u>	= \$ 500.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

Respondent is solely liable for:

<u>Member Fees</u>	= \$ 8,550.00
<u>Forum Fees</u>	= \$10,800.00
<u>Total Fees</u>	= \$19,350.00
<u>Less payments</u>	= \$ 8,550.00
<u>Balance Due NASD Dispute Resolution</u>	= \$10,800.00

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

ARBITRATION PANEL

Gerald Scher, Esq.	-	Public Arbitrator, Presiding Chairperson
William E. Nelson, JD	-	Public Arbitrator
Walter Peterson, Jr.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Gerald Scher, Esq.
Public Arbitrator, Presiding Chairperson

February 12, 2007
Signature Date

/s/
William E. Nelson, JD
Public Arbitrator

February 8, 2007
Signature Date

/s/
Walter Peterson, Jr.
Non-Public Arbitrator

February 8, 2007
Signature Date

February 9, 2007
Date of Service (For NASD Dispute Resolution office use only)

Forum Fees	= \$10,800.00
Total Fees	= \$19,350.00
Less payments	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$10,800.00

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

ARBITRATION PANEL

Gerald Scher, Esq.	-	Public Arbitrator, Presiding
Chairperson		
William E. Nelson, JD	-	Public Arbitrator
Walter Peterson, Jr.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Gerald Scher, Esq.
Public Arbitrator, Presiding Chairperson

2/12/07
Signature Date

William E. Nelson, JD
Public Arbitrator

Signature Date

Walter Peterson, Jr.
Non-Public Arbitrator

Signature Date

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

ARBITRATION PANEL

Gerald Scher, Esq.	-	Public Arbitrator, Presiding Chairperson
William E. Nelson, JD	-	Public Arbitrator
Walter Peterson, Jr.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Gerald Scher, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

William E. Nelson
William E. Nelson, JD
Public Arbitrator

2/8/07
Signature Date

Walter Peterson, Jr.
Non-Public Arbitrator

Signature Date

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

ARBITRATION PANEL

Gerald Scher, Esq.	-	Public Arbitrator, Presiding Chairperson
William E. Nelson, JD	-	Public Arbitrator
Walter Peterson, Jr.	-	Non-Public Arbitrator

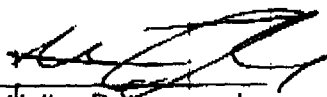
Concurring Arbitrators' Signatures

Gerald Scher, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

William E. Nelson, JD
Public Arbitrator

Signature Date


Walter Peterson, Jr.
Non-Public Arbitrator

2/8/07
Signature Date

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