

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Jan Pitcher

Claimant(s)

vs.

Prudential-Bache Securities, Inc.,
Shirley Ward and Don Kelly

Respondent(s)

NOTICE OF ARBITRATION

AWARD

89-01492

CASE SUMMARY

Claimant(s) Jan Pitcher alleged that Respondent(s) Prudential-Bache Securities, Inc., Shirley Ward and Don Kelly misrepresented facts concerning commission charges. Respondent(s) deny all allegations.

RELIEF REQUESTED

Claimant(s) Jan Pitcher requested damages of Nine Hundred Thirty Nine Dollars and No Cents (\$939.00). Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Ronee C. McLaughlin, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on February 27, 1989 and by Respondent(s) on August 8, 1989, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondent(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

That, because (1) Respondent Don Kelly did not clearly indicate to the Claimant that the commission to be paid would be \$204.00 plus a percentage of the fund and (2) Respondent Kelly lead Claimant to believe that the commission payment would only be \$200.00 or \$250.00, Respondent Kelly is liable and will pay to the Claimant the sum of Nine Hundred Thirty Nine Dollars and No Cents (\$939.00).

The claims against Prudential-Bache Securities, Inc. and Shirley Ward are dismissed.

The parties shall each bear their respective costs including attorney's fees.

The \$15.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) will be refunded to the Claimant by the Respondent Don Kelly.

October 16, 1989