

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

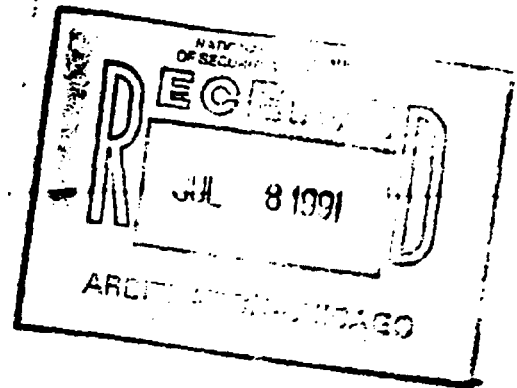
Name of Claimant(s)

Serena Ashley

90-00405

Name of Respondent(s)

Prudential-Bache Securities Inc.
Thomson McKinnon Securities, Inc.
C. Collier
Joseph Palmer
Michael Turner



REPRESENTATION

Serena Ashley was represented by William J. Freidl, Esq., Robert J. Novak, Esq. and Mark Sippel, Esq. of Phoenix, Arizona.

Carroll Collier was represented by Guy M. Buckley, Esq. of Mesa, Arizona.

Michael Turner appeared Pro se.

CASE SUMMARY

In a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on or about February 9, 1990, Serena Ashley ("Claimant") alleged that Michael Turner ("Turner") while employed as a registered representative by Thomson McKinnon Securities, Inc. ("TMSI") and Prudential Securities, Inc. ("PSI") engaged in unsuitable transactions including but not limited to: short term trading in mutual fund shares; excessive trading for the purpose of generating commissions; unauthorized transactions and misuse of her funds. Claimant also alleged that Turner violated NASD and New York Stock Exchange rules, the Securities Exchange Act and Rule 10b5 promulgated thereunder. Claimant further alleged that Carroll Collier failed to supervise Turner while Turner was employed by TMSI and that Joseph Palmer was her account executive after Turner left the employ of TMSI.

In a Statement of Response dated March 23, 1990, Respondent PSI stated that all of the activity complained of in the Statement of Claim took place in the account while at TMSI.

In a Statement of Answer filed with the NASD on or about February 8, 1991, Respondent Turner stated that he discussed each and every transaction in Claimant's account with her prior to its execution, that Claimant was suitable for the transactions and that many of the transactions were unsolicited.

In his Statement of Answer filed with the NASD on or about April 23, 1990, Respondent Collier denied the allegation that he failed to supervise Turner and failed to respond to Claimant's requests for information regarding her account.

In his Statement of Answer dated May 4, 1990, Respondent Joseph Palmer stated that the activity complained about in Claimant's account occurred prior to his involvement with the account. Respondent Palmer stated that he merely assisted Claimant in transferring her account.

RELIEF REQUESTED

Claimant requested an award in the amount of \$145,538.44, punitive damages in the amount of \$1,000,000.00 and costs.

Respondent PSI requested that the claims asserted against it be dismissed for failure to state a claim.

Respondent Turner requested that the claims asserted against him be dismissed.

Respondent Collier requested that the claims asserted against him be dismissed.

Respondent Palmer requested that the claims asserted against him be dismissed.

OTHER ISSUES

This proceeding was stayed against Thomson McKinnon Securities, Inc. as a result of its filing for bankruptcy. Claimant voluntarily dismissed its claims against Prudential Securities, Inc. and Joseph Palmer.

PROCEDURAL MATTERS

On Monday, June 3, 1991 in Scottsdale, Arizona during a hearing lasting three (3) sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on February 1, 1990 by Claimant Serena Ashley, on April 24, 1990 by Respondent Michael B. Turner, on April 19, 1990 by Respondent Carroll Collier and on June 6, 1990 by Respondent Joseph R. Palmer.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the NASD.

AWARD

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Michael Turner shall be and hereby is liable for and shall pay to the Claimant Serena Ashley the sum of Seventeen Thousand Nine Hundred Fourteen dollars and Sixty Six Cents (\$17,914.66);

2. Respondent Carroll Collier shall be and hereby is liable for and shall pay to the Claimant Serena Ashley the sum of Eight Thousand Nine Hundred fifty Seven Dollars and Thirty Three Cents (\$8,957.33);

3. Interest at the rate of 10% per annum is awarded on the above stated sums from and inclusive of February 9, 1990 to and inclusive the date the amounts stated above are paid;

4. Each party shall bear its own costs, expenses and attorneys fees incurred in this matter; and

5. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall refund the hearing session deposit in the amount of \$800.00 previously deposited with the NASD by the Claimant. Respondent Michael Turner shall pay to the NASD the amount of \$1,125.00 and Respondent Carroll Collier shall pay to the NASD the sum of \$1,125.00 as forum fees. The \$1,000.00 postponement fee previously deposited with the NASD by Respondent Carroll Collier shall be ~~retained~~ RETURNED,

Dated: 7/2/91


J. Noland Franz, Esq.
Presiding Chair
Public Arbitrator

Dated: _____

Douglas E. Smith
Public Arbitrator

Dated: _____

Audria Sullivan
Industry Arbitrator

70-405

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AWARD

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Michael Turner shall be and hereby is liable for and shall pay to the Claimant Serena Ashley the sum of Seventeen Thousand Nine Hundred Fourteen dollars and Sixty Six Cents (\$17,914.66);

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RETURNED.

Dated: _____

J. Noland Franz, Esq.
Presiding Chair
Public Arbitrator

Dated: JULY 2, 1991

Douglas E. Smith
Douglas E. Smith
Public Arbitrator

Dated: _____

Audria Sullivan
Industry Arbitrator

70-425

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the NASD.

AWARD

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Michael Turner shall be and hereby is liable for and shall pay to the Claimant Serena Ashley the sum of Seventeen Thousand Nine hundred Fourteen dollars and Sixty Six Cents (\$17,914.66);

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Witnessed: _____

J. Noland Franz, Esq.
Presiding Chair
Public Arbitrator

Witnessed: _____

Douglas E. Smith
Public Arbitrator

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Audria Sullivan
Audria Sullivan
Industry Arbitrator