

## N.A.S.D. AWARD

## NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration BetweenName of Claimant

Hilda G. Ricco

90-00958

Name of RespondentPrudential-Bache Securities Inc.

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CASE SUMMARY

Claimant, Hilda G. Ricco ("Ricco"), alleged that Respondent, Prudential-Bache Securities, Inc. ("Pru-Bache"), failed to properly supervise her account, failed to execute sell orders, neglected to send Claimant confirmation slips, failed to transfer her account to Viner & Co., Inc., and failed to liquidate a proper amount to meet a margin call.

Respondent maintained that Claimant signed an Option Client Information Form and Agreement, listed her net worth at \$200,000.00, and indicated she had previous investment experience. Respondent further alleged that all trades in the account were unsolicited and were initiated by Sal Laurenzano (a sophisticated investor) under a Power of Attorney. Respondent also stated that due to the fact it had not received the transfer papers to Viner & Co., Inc. and that the margin calls had not been satisfied, their credit dept. deemed it necessary to liquidate the account. Respondent contended it did not act improperly in liquidating the position in Claimant's account.

RELIEF REQUESTED

Claimant, Ricco, requested actual damages of \$78,850.00. Pru-Bache requested the claim be dismissed in its entirety, plus costs.

AWARD

On October 4, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant, Hilda G. Ricco, on June 27, 1989 and by the Respondent, Prudential-Bache Securities, Inc., on August 7, 1990. The hearing was held in New York City at the NASD, Inc. and consisted of one (1) hearing session. The arbitration panel, having considered the pleadings, the testimony and the evidence presented at the hearing, has determined in full and final resolution of the issues for determination as follows:

1. The claim of Hilda G. Ricco was voluntarily withdrawn with prejudice;
2. The parties shall each bear their own attorneys' fees;
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$150.00 filing fee previously deposited by the Claimant and the \$250.00 filing fee previously deposited by the Respondent;
5. Claimant shall pay to the Respondent the sum of \$250.00 to offset that portion of the filing fee;
6. Claimant is assessed a withdrawal fee in the amount of \$400.00 and forum fees in the amount of \$250.00 payable to the NASD, Inc., through its staff counsel, in accordance with Section 43 of the Code of Arbitration Procedure.

Arbitrator(s) Signature

\_\_\_\_\_/s/  
Dorothy Gray

\_\_\_\_\_/s/  
Melvin Lyon

\_\_\_\_\_/s/  
Edward Gioiella

October 4, 1990