

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

: In the Matter of the Arbitration Between :
: :
: Harold Vandermark :
: Susan Vandermark :
: :
: Claimants : CASE# 90-01708
: vs. :
: :
: Prudential Bache Securities, Inc. :
: Martin Wewerka :
: :
: Respondents :

Heard before:

Dorothy F. Gray	Public Arbitrator
Henry H. Balter	Public Arbitrator
Catherine Ladnier	Industry Arbitrator

REPRESENTATION

The Claimants were represented by Ira M. Starr, Esq. of the law firm of Ruskin, Kors, Meltzer, Rubin & Starr and the Respondents were represented by Alejandro Schwed, Esq.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on June 15, 1990 Claimants Harold and Susan Vandermark alleged the Respondents engaged in improper and fraudulent selling activity, made recommendations to the Claimants without having any reasonable basis, invested the Claimants funds in unsuitable securities and failed to advise the Claimants of the inherent risks in their investments. The Claimants further alleged the Respondents made an unauthorized trade in their account. The Respondents Prudential Bache Securities, Inc. and Martin Wewerka maintained that no unauthorized trades were executed in Claimants' account and the Claimants informed the Respondents they were interested in speculative growth investments. The Respondents further maintained that no misrepresentations were made to the Claimants and the Respondent Martin Wewerka had a reasonable basis for all recommendations made and he informed the Claimants of the risks of investments he recommended.

RELIEF REQUESTED

Claimants requested damages of approximately \$30,000.00 together with interest, legal fees and costs of suit and that such damages be trebled pursuant to RICO to an amount equal to \$90,000.00. Respondents requested dismissal of claim and an award of costs and attorneys' fees for its defense.

AWARD

On January 28, 1991, January 29, 1991, March 8, 1991 and June 26, 1991 the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants Harold and Susan Vandermark on June 6, 1990 and by Respondent Prudential Bache Securities, Inc. on September 4, 1990 and by Respondent Martin Wewerka on January 28, 1991. The hearings were conducted at the offices of the National Association of Securities Dealers, Inc. located in New York City, NY and consisted of eight (8) hearing sessions. 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 submitted for determination as follows:


1. The Respondent Prudential Bache Securities, Inc. be and hereby is liable and shall pay to the Claimants Harold and Susan Vandermark the sum of Seventeen Thousand Dollars and No Cents (\$17,000.00), plus simple interest at the rate of 9% per annum from June 15, 1990 until the date of payment of the Award.
2. The Respondent Martin Wewerka be and hereby is liable and shall pay to the Claimants Harold and Susan Vandermark the sum of Five Thousand Dollars and No Cents (\$5,000.00), plus simple interest at the rate of 9% per annum from June 15, 1990 until the date of payment of the Award.
3. The parties shall each bear their respective costs, including attorneys' fees..

FORUM FEES

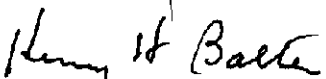
Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$500.00 filing fee previously deposited by the Claimants. In addition, the ~~Claimants/Respondents~~ *Prudential Bache Securities, Inc.* be and hereby is/are liable and shall pay to the National Association of Securities Dealers, Inc. the sum of \$ 3650.00 to represent forum fees.

*all ch
Bach
plus 114.00*

ARBITRATORS SIGNATURES



Dorothy F. Gray



Henry H. Balter



Catherine Ladnier

Date of Decision: June 28, 1991

STATE OF *NY*

S.S:

COUNTY OF *NY*

On this *26th* day of *June*, 1991, before me personally appeared DOROTHY F. GRAY known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he/she executed the same

Jill A. Wile

JILL A. WILE
NOTARY PUBLIC, State of New York
No. 487612
Qualified in Nassau County
Commission Expires Dec. 13, 1992

STATE OF *NY*

S.S:

COUNTY OF *NY*

On this *26th* day of *June*, 1991, before me personally appeared HENRY H. BALTER known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he/she executed the same

Jill A. Wile

JILL A. WILE
NOTARY PUBLIC, State of New York
No. 487612
Qualified in Nassau County
Commission Expires Dec. 13, 1992

STATE OF *NY*

S.S:

COUNTY OF *NY*

On this *26th* day of *June*, 1991, before me personally appeared CATHERINE LADNIER known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he/she executed the same

Jill A. Wile

JILL A. WILE
NOTARY PUBLIC, State of New York
No. 4878515
Qualified in Nassau County
Commission Expires Dec. 15, 1992