

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between:

Olga A. Coleman

Claimant

vs.

Prudential-Bache Securities, Inc. and
Randy W. Brandt

Respondent

Case #90-01911
AWARD

CASE SUMMARY

Olga A. Coleman, in a claim filed with the National Association of Securities Dealers, Inc. on July 9, 1990, alleged that her account executive, Randy W. Brandt, while employed at Prudential-Bache Securities, Inc., now known as Prudential Securities, Inc., churned her account, executed various unauthorized trades and recommended purchases of securities not in line with Claimant's investment objectives. Claimant states that Respondents were negligent in the handling of her account.

Respondents, in a joint Statement of Answer filed by their Counsel, Patricia A. Roy, Esq., maintained that each transaction was discussed with and authorized by Claimant, including the option trades. They state that Claimant has failed to prove churning and fraud or negligence and that all investments were to further Claimant's investment objectives.

Claimant asserted a Motion for Award by Default based on the fact that Respondent filed their Statement of Answer after the due date set by an extension of the time to answer.

Respondents, in opposition to the Motion, respond that they had valid reasons for obtaining the extension for time to file an answer and that the late filing was due to an electrical power outage in lower Manhattan from August 13, 1990 through August 17, 1990, leaving them without access to their files or support services.

RELIEF REQUESTED

Claimant requests actual damages of Ten thousand Dollars (\$10,000.00) in order to fall within the limits of Simplified Arbitration, attorney's fees of Three Thousand Dollars (\$3,000.00), return of the Two Hundred Dollars (\$200.00) NASD filing fee and post-award interest at (10%) per annum.

Respondents request dismissal of the claim in its entirety.

Claimant moves for an Award by Default. Respondent requests dismissal of the Motion.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Robert Daniel Boone, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on July 6, 1990 and by the Respondents on August 24, 1990 and September 14, 1990, respectively:

And, that the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. That Claimant's Motion for Award by Default be, and hereby is, denied.
2. That the claim of Olga A. Coleman be, and hereby is, dismissed in its entirety.
3. The parties shall bear their respective costs including attorney's fees.
4. The One Hundred Fifty Dollars (\$150.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the National Association of Securities Dealers, Inc.

AFFIRMATION

I, Robert Daniel Boone, do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.

Robert Daniel Boone
Signature of Arbitrator

DATED: 31 May , 1991