

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Pearl Slate

Claimant

vs.

Robert Collier and Prudential-Securities, Inc.

Respondents

Case #90-03032
AWARD

CASE SUMMARY

Pearl Slate, Pro Se, in a claim filed with the National Association of Securities Dealers, Inc. on October 29, 1990, alleged that Robert Collier, her broker at Prudential-Bache Securities, Inc., now known as Prudential Securities, Inc., failed to execute a transfer order, failed to execute a cancel order and misrepresented the safety of FHLMC Series 33F Bonds which he recommended. She affirms that Mr. Collier executed an unauthorized purchase of "Kidder Peabody Trust" which purchase he failed to cancel, the subsequent sale of which caused a loss in Claimant's account.

Claimant asserts a Motion to Preclude the Respondent's Answer for failure to file said Answer in a timely manner.

Respondents, represented by their counsel, James A. Capessuto, Esq., responded to the Motion by a letter received by the NASD, Inc. on February 8, 1991 stating their reasons for the delay in providing an Answer and agreeing to submit an Answer within one week. On March 14, 1991 no Statement of Answer had been received by the NASD, Inc.

On March 21, 1991 the NASD, Inc. received from Respondents a Statement of Answer to Claimant's Claim. Respondents, in a joint Statement of Answer, maintain that Claimant's investments were explained to her on several occasions and state that before the sell order could be executed, an account transfer order with directions to cancel all orders was received from Claimant's new investment firm.

On March 24, 1991 Claimant requested certain documents to be provided by Respondents.

Respondents did not reply to her document request.

On April 29, 1991 the presiding arbitrator requested additional information from the Respondents. On May 22, 1991 a second request was sent to the Respondents reiterating the arbitrator's request for additional information. Respondents did not supply the information requested.

RELIEF REQUESTED

Claimant requests damages of Five Hundred Dollars and No Cents (\$500.00) and compensation for the purchase of the Kidder Peabody Trust.

Respondents request dismissal of the Claim and assert a counterclaim for the costs of defending a frivolous suit.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Norman R. Cohen, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on October 15, 1990 and not by the Respondents as required by Section 13(d) of the Code of Arbitration Procedure.

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 to Preclude is denied.
2. That Respondent's Counterclaim is denied.
3. That the Respondents, Prudential-Bache Securities, Inc., now known as Prudential Securities, Inc., and Robert Collier are jointly and severally liable and shall pay to the Claimant, Pearl Slate, the sum of Five Thousand Five Hundred Seventy Dollars and Forty Seven Cents (\$5,570.47).
4. The Thirty Dollar (\$30.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. and is assessed jointly and severally against the Respondents and payable to the Claimant by the Respondents.
5. That Respondent Prudential Securities, Inc. shall pay to the NASD, Inc. the sum of Five Hundred Seventy Five Dollars and No Cents (\$575.00) for its Counterclaim.

AFFIRMATION

I, ~~NORMAN R. COHEN~~ ESQ., 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.



Signature of Arbitrator

DATED: June 18, 1991