

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Barton G. Prieve and
JoAnn P. Zelasko

and

90-03466

Name of Respondent

Prudential-Bache Securities, Inc.
n/k/a Prudential Securities, Inc.

REPRESENTATION OF PARTIES

Claimants appeared pro se.

Respondent was represented by Laurie Giolito, Esq. of Prudential Securities, Inc. New York, New York.

CASE INFORMATION

The Statement of Claim was filed on or about December 7, 1990.

Claimants' Submission Agreement signed on December 4, 1990.

Statement of Answer filed by Respondent, Prudential-Bache Securities, Inc. on or about February 11, 1991.

Respondent's Submission Agreement signed on February 6, 1991 by Richard Dzedziula.

HEARING INFORMATION

The hearing was held on Friday, February 28, 1992 in Denver, Colorado for a total of two (2) sessions.

CASE SUMMARY

Claimants alleged that Victor Hanselin, an employee of Respondent made material misrepresentations with respect to the investment in Pru-Tech1, a

limited partnership. Claimants specifically alleged that Mr. Hanselin fabricated projections for the proposed investment. Claimants in their amendment requested punitive damages for alleged willful, affirmative misrepresentation.

Respondent stated that the claims asserted herein are barred by the applicable statutes of limitations and should be dismissed. Respondent further denied the allegations asserted against it.

RELIEF REQUESTED

Claimants requested an award in the amount of \$30,000.00 which sum includes actual and punitive damages, interest and expenses.

Respondent requested that the Statement of Claim be dismissed.

OTHER ISSUES CONSIDERED & DECIDED

After considering the parties arguments regarding Respondent's Motion to Dismiss, the panel denied the motion subject to reconsideration at the conclusion of the evidentiary hearing.

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

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. The Statement of Claim shall be and hereby is denied in its entirety.
2. Each party shall bear its own costs, expenses and attorney's fees incurred in this matter not specifically enumerated herein.

FORUM FEES

Pursuant to Section 43(c) of the NASD Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. ("NASD") shall retain the non-refundable filing fee in the amount of \$100.00 and shall retain the hearing session deposit in the amount of \$400.00 previously deposited with

the NASD by the Claimants as forum fees. Respondent Prudential Securities, Inc. shall pay to the NASD the sum of \$400.00 as forum fees.

Forum fees are calculated at the rate of \$400.00 per hearing session.

The NASD shall retain postponement fees in the amount of \$300.00 previously deposited with the NASD by the Respondent Prudential Securities, Inc. Fees are payable to the National Association of Securities Dealers, Inc.

Dated:

3/24/72

Thaddeus J. Tecza, Ph.D.
Thaddeus J. Tecza, Ph.D.
Presiding Chair Public Arbitrator

James B. Eichberg
Public Arbitrator

Jeffrey A. Schaeffer
Industry Arbitrator

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Dated:

Thaddeus J. Tecza, PhD.
Presiding Chair Public Arbitrator

James B. Eichberg
Public Arbitrator

3/23/92

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Jeffrey A. Schaeffer
Industry Arbitrator

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Dated:

Thaddeus J. Tecza, PhD.
Presiding Chair Public Arbitrator

March 30, 1992

James B. Eichberg
James B. Eichberg
Public Arbitrator

Jeffrey A. Schaeffer
Industry Arbitrator