

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :

Caroline S. Goldner :

Claimant :

vs. :

Prudential Securities, Inc. :

Respondent :

CASE #91-02841
AWARD

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on September 12, 1991, Claimant, Caroline S. Goldner, who appeared Pro Se, alleged that on May 2, 1989 Mr. Howard Kobrin, a registered representative of Respondent, Prudential Securities, Inc. solicited and advised her to purchase 200 shares of General Development stock at 14 1/8 and purchase an additional 200 shares of General Development stock at 14 1/2 on May 5, 1989. Claimant further alleged that Respondent, Prudential Securities, Inc., through its broker, Mr. Kobrin, misrepresented relevant facts regarding the General Development investment and failed to properly ascertain her investment needs and financial status. Claimant contended that in December 1989 when the stock went down she wanted to sell but Mr. Kobrin, Respondent's registered representative, advised her to retain the stock in addition to, urging Claimant to purchase more shares. Claimant further contended that due to Respondent's failure to supervise Mr. Kobrin's unethical behavior, he was able to mishandle her account, thus creating losses.

Respondent, Prudential Securities, Inc. by and through their in-house counsel Laurie A. Giolito, Esq., maintained that in 1987 their registered representative, Mr. Howard Kobrin, ascertained Claimant, Caroline S. Goldner's investment goals and financial status prior to recommending the purchase of General Development stock. Respondent, Prudential Securities, Inc. further maintained that, upon the advice of Mr. Kobrin, Claimant purchased 200 shares of General Development at 14 1/8 and that three days after her initial purchase, Claimant contacted Mr. Kobrin and instructed him to purchase an additional 200 shares at 14 1/2. Respondent contended that over the life of Claimant's account, she made unsolicited purchases, making for a diverse portfolio and that Respondent, through its broker, Mr. Kobrin, only invested as

Two
Award 91-02841

Claimant instructed. Respondent further contended that their registered representative, Mr. Kobrin, provided Claimant with all relevant information regarding the investment and Claimant acting with full knowledge of the facts confirmed all trades. Respondent asserted that Claimant's complaint should be barred, by the applicable statutes of limitations and that Respondent acted appropriately in relation to the handling of Claimant's account.

RELIEF REQUESTED

Claimant, Caroline S. Goldner requested \$5,814.53 in actual damages.

Respondent, Prudential Securities, Inc. requested the claim be denied in its entirety.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Elaine E. Feldman, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on September 6, 1991 and by the Respondent on December 31, 1991.

And, 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. The claim of Claimant, Caroline S. Goldner against Respondent, Prudential Securities, Inc. is dismissed.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant, Caroline S. Goldner shall be retained by the NASD, Inc.

AFFIRMATION

I, **ELAINE E. FELDMAN**, 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.

Elaine E. Feldman
Signature of Arbitrator

DATE OF DECISION: June 9, 1992