

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Virginia B. Cisco

vs.

AWARD
NASD 91-03924

Name of Respondents

Prudential Securities, Inc.
James B. Somes
Joel B. Srodes

REPRESENTATION

For Claimant: Carroll Melton, Arbitration Consultants, Woodland Hills, California.

For Respondents: Timothy N. Will, Esq., of Keesal, Young & Logan, Long Beach, California.

CASE INFORMATION

Statement of Claim filed: December 10, 1991

Claimant's Submission Agreement signed: November 22, 1991

Joint Statement of Answer filed: January 31, 1992

Respondent Prudential Securities Submission Agreement signed: 04/14/93.

HEARING INFORMATION

Hearing Date/ Sessions: April 6, 1992 (two sessions)
April 7, 1992 (two sessions)

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleged churning, negligence, misrepresentation, failure to supervise, fraud and breach of fiduciary duty, with respect to her investments in municipal unit investment trusts and in the Prudential-Bache Energy Income Partnership P-25 limited partnership.

Respondents denied all allegations of wrongdoing, and asserted that Claimant was fully informed of all investment particulars prior to purchase, that the decline in portfolio value was a result of Claimant's large monthly cash withdrawals as well as the return of principal feature of municipal unit investment trusts, and further that Respondent Srodes was improperly named as a Respondent because he was not the branch manager of the Sarasota office during the time of the alleged failure to supervise.

RELIEF REQUESTED

Claimant requested:

1. Compensatory damages of \$144,000;
2. Rescission of the limited partnership investment;
3. Interest;
4. Punitive damages; and
5. Costs of arbitration.

Respondents requested dismissal of all claims as well as a specific dismissal of Joel Srodes as not properly named as a Respondent.

OTHER ISSUES CONSIDERED & DECIDED

Prior to hearing, Claimant dismissed with prejudice all claims against Respondent Joel Srodes.

Prior to the conclusion of the hearing, Claimant withdrew all churning claims.

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 originals 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. All claims, including the claim for punitive damages, are dismissed in their entirety.
2. The parties shall each bear their respective costs including attorney's fees.

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following forum fees are assessed against Claimant:

4 sessions @ \$750/session	= \$ 3,000
Credit for deposit	<u>750</u>
Balance due	<u>\$ 2,250</u>

Fees are payable to the National Association of Securities Dealers, Inc.

ARBITRATION PANEL

Name

Public/Industry

James S. Munroe, Sr.

Public Arbitrator

Robert S. Clarke

Public Arbitrator

Luther Delano Prater

Industry Arbitrator

Concurring Arbitrators' Signature

James S. Munroe, Sr.

Robert S. Clarke

Luther Delano Prater
Luther Delano Prater

Date Served 05/04/93