

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant

Jack D. Fowler

vs.

92-02542

Name of Respondents

Prudential Securities Inc  
James D. Shulman

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**CASE SUMMARY**

In a claim filed with the National Association of Securities Dealers, Inc. on August 3, 1992, Claimant Jack D. Fowler, who appeared Pro Se, alleged that Respondent James D. Shulman, through his employer firm, Respondent Prudential Securities, Inc., mishandled and churned his account, and that although he indicated that his objective was income, not speculation, the Respondents disregarded his objectives by recommending and soliciting unsuitable transactions.

Respondents Prudential Securities, Inc. and James D. Shulman, through their in-house counsel, Paul Giapponne, Esq., maintained that all transactions were authorized by the Claimant, that the Claimant had over 20 years investment experience, and that they acted in good faith at all times. The Respondents further maintained that at all times relevant, the Claimant's account was handled properly and in accordance with the "Know Your Customer" rule of the NYSE and the "Suitability Rule" of the NASD as well as with other applicable rules and regulations.

**RELIEF REQUESTED**

Claimant Jack D. Fowler requested \$10,000.00 in actual damages, plus expenses.

Respondents Prudential Securities, Inc. and James D. Shulman requested that the claims of the Claimant be dismissed.

**AWARD**


Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Ronald T. Spann, 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 July 28, 1992 and not signed by the Respondents as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

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. Respondents Prudential Securities, Inc. and James D. Shulman are jointly and severally liable and shall pay to the Claimant Jack D. Fowler \$4,481.92 in actual damages.
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 shall be retained by the NASD, Inc. Respondents Prudential Securities, Inc. and James D. Shulman are jointly and severally liable and shall pay \$75.00 to the Claimant as reimbursement of one-half of the filing fee.

**AFFIRMATION**

I, RONALD THOMAS SPANN, 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.

  
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Signature of Arbitrator

DATE OF DECISION:

January 21, 1993