

PUBLIC

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

---

In the Matter of the Arbitration Between

Name of Claimant

Florence J. Turner and  
Florence J. Turner Custodian for Christopher Germano

92-03494

Name of Respondents

Prudential Securities, Inc.  
Gerald Strand

---

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on October 14, 1992, Claimant Florence J. Turner & Florence J. Turner, as Custodian, who appeared Pro Se, alleged that Respondent Gerald Strand of the Respondent firm Prudential Securities, Inc. misled her into purchasing 100 shares of Buttes Oil Preferred stock, representing to her that this was a safe, suitable investment, but it was not. The Claimant further alleged that the Respondents convinced her to move her National Home Life Annuity from another firm to Prudential Securities, Inc. and that she was given incorrect tax advice, which caused her to withdraw monies that were subject to tax. The Claimant contended that the Respondents should be held liable for losses she has incurred due to their wrongdoing.

Respondents Prudential Securities, Inc. and Gerald Strand, through in-house counsel, Paul M. Waldman, Esq., maintained that Butte Oil was a suitable investment for the Claimant at the time the recommendation was made, and that this claim is time-barred. The Respondents further maintained that the Claimant was never informed that the annuity distribution would not be a taxable event, and that they should not be held liable in this matter.

RELIEF REQUESTED

Claimant Florence J. Turner and Florence J. Turner as Custodian for Christopher Germano requested \$9,489.00 in actual damages.

Respondents Prudential Securities, Inc. and Gerald Strand requested that the claims of the Claimant be dismissed.

**OTHER ISSUES CONSIDERED & DECIDED**

The Motion to Dismiss this action filed by Respondents Prudential Securities, Inc. and Gerald Strand pursuant to Section 15 of the NASD Code of Arbitration Procedure is denied.

**AWARD**

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Robert Rankin, 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 8, 1992, by the Respondent Prudential Securities, Inc. on January 15, 1993 and by the Respondent Gerald Strand on November 24, 1992.

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 Gerald E. Strand are jointly and severally liable and shall pay to Claimant Florence J. Turner, Florence J. Turner as Custodian \$3,055.00 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 Gerald Strand are jointly and severally liable and shall pay \$150.00 to the Claimant as reimbursement of the filing fee.

**AFFIRMATION**

I, ROBERT RANKIN, 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.

  
Robert Rankin, Esq.

DATE OF DECISION: September 9, 1993