

PUBLIC

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Ruth R. Allen, TTEE/Ruth R. Allen Trust

92-03714

Name of Respondents

Prudential Securities Inc
Marilyn Katatsky

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on November 3, 1992, Claimant Ruth R. Allen TTEE, who appeared Pro Se, alleged that Respondent Marilyn Katatsky, while employed by Respondent Prudential Securities, Inc. made an unsuitable recommendation for her to invest in Polaris Aircraft Income Fund II, and that this was not a secure, liquid investment and it did not provide a steady flow of income which she required. The Claimant contended that the Respondents were negligent in recommending an investment which was entirely in conflict with her investment objectives and that the Respondents should be held liable in this matter.

Respondents Prudential Securities, Inc. and Marilyn Katatsky, through their in-house counsel, Gary Klein, Esq., maintained that the Claimant received a prospectus regarding this investment and the market risks inherent in these types of investments were explained to her. The Respondents further maintained that this investment has yielded over 10% percent since her purchase, and that this investment was suitable at the time she purchased it. The Respondents contended that any loss the Claimant sustained was due to market conditions and to her own investment decision, not due to any action or inaction by them.

RELIEF REQUESTED

Claimant Ruth R. Allen, TTEE requested \$5,000.00 in actual damages, rescission of the purchase and interest, plus unspecified punitive damages.

Respondents Prudential Securities, Inc. and Marilyn Katatsky requested that the claims of the Claimant be dismissed, and that they be awarded their costs and attorney's fees.

AWARD

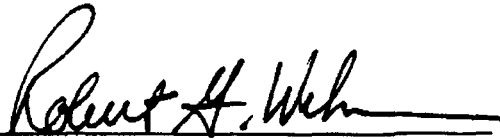
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Robert G. Wilson, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on November 25, 1992 but not 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. The claims of the Claimant Ruth R. Allen, TTEE/Ruth E. Allen Trust against Respondents Prudential Securities, Inc. and Marilyn Katatsky are dismissed in their entirety.
2. The Claimant's request for punitive damages is denied.
3. The parties shall bear their respective costs.
4. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, **ROBERT G. WILSON, 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.



Signature of Arbitrator

DATE OF DECISION: May 11, 1993