

PUBLIC

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Natalie Albin

92-03758

Name of Respondent

Prudential Securities Incorporated

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on November 15, 1992, Claimant Natalie Albin who appeared Pro Se, alleged that on January 25, 1985 she opened an IRA account with Respondent Prudential Securities Incorporated whereby she purchased various Prudential Mutual Funds for this account from May, 1986 to February, 1987 and on October 21, 1987 and November 10, 1987, all the funds were sold at market price, at which time, it was converted into a Prudential IRA Money Market Fund, where the funds stayed until Claimant withdrew from the fund on August 3, 1992 at age 59½. Claimant further alleged that the prospectus for Prudential Mutual Funds stated that the "contingent deferral sales charge is waived in connection with distributions from an IRA or Qualified Retirement Plan." Claimant contended that contingent deferred sales charges were levied by Respondent against each of these distributions whereby she questioned Respondent, but was never given an explanation. Claimant further contended that all of the charges taken by Respondent from her IRA account were erroneous and unjustified.

Respondent Prudential Securities Incorporated by and through their in-house counsel Gabriel Loubier, Esq., maintained that Claimant Natalie Albin had previously exchanged her Mutual Fund shares for Prudential Money Market Assets; therefore, Claimant's money market fund shares would be charged redemption fees at the percentage of her mutual fund shares at the time of the exchange. Respondent further maintained that there was no contingent deferred sales charge taken on the sale of Claimant's Money Market Assets Funds as they were directly related to a partial distribution from the IRA account. Respondent contended the other sales of the Money Market Assets were not directly related to distribution from the IRA account so the waiver of the contingent deferred sales charge does not apply, and Respondent properly charged Claimant's account.

RELIEF REQUESTED

Claimant Natalie Albin requested \$1,977.19 in actual damages.

Respondent Prudential Securities Incorporated requested the claim be denied and they be awarded costs.

AWARD

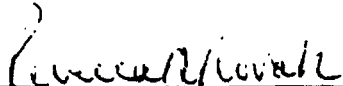
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Rebecca A. Novak, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on October 31, 1992 and by the Respondent on December 31, 1992.

And, the Arbitrator, having considered the proof of the Parties, has decided and determined in ~~final~~ and final resolution of the issues submitted for determination as follows:

1. The claim of Claimant Natalie Albin against Respondent Prudential Securities Incorporated is dismissed.
2. The parties shall bear their respective costs.
3. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Natalie Albin shall be retained by the NASD.

AFFIRMATION

I, Rebecca A. Novak, 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 24, 1993