

N.A.S.D., INC.

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Name of Claimants

Herbert & Jean Levy JTWROS

92-03857

Name of Respondents

Prudential Securities, Inc.
Robert A. Friedmar

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on November 16, 1992, Claimants Herbert & Jean Levy, who appeared Pro Se, alleged that Respondent Robert A. Friedmar, while employed at the Respondent firm of Prudential Securities, Inc. misrepresented the safety and liquidity of 2 limited partnerships he recommended, Polaris Aircraft Income Fund 4 and Polaris Aircraft Income Fund 5. The Claimants also alleged that they followed the Respondents' advice because they were aware of their financial situation and had placed their trust in the Respondents. The Claimants contended the Respondents should be held liable for the loss they have incurred due to misrepresentation and unsuitable recommendations made by the Respondents.

Respondents Prudential Securities, Inc. and Robert A. Friedmar, through their in-house counsel, George McGuigan, Jr., maintained that at no time was the characteristics of either Limited Partnerships misrepresented to the Claimants, and that they were provided with a prospectus. The Respondents further maintained that the Claimants were apprised of all the characteristics of Polaris 4 & 5, including the lack of liquidity, and that they should not be held liable in this matter.

RELIEF REQUESTED

Claimants Herbert & Jean Levy requested \$10,000.00 in actual damages.

Respondents Prudential Securities, Inc. and Robert Friedmar requested that they claims of the Claimants be dismissed.

AWARD

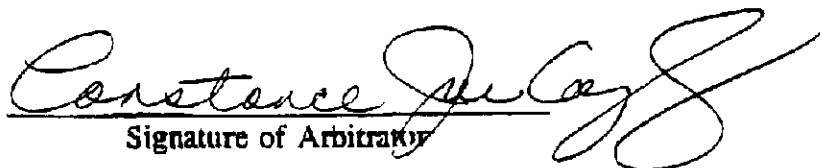
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Constance J. McCaughey, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on November 6, 1992, by the Respondent Prudential Securities, Inc. on February 1, 1993, and by Respondent Robert Friedmar on February 3, 1993.

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 Claimants Herbert & Jean Levy against Respondents Prudential Securities, Inc. and Robert Friedmar are dismissed in their entirety.
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 Claimants shall be retained by the NASD, Inc.

AFFIRMATION

I, **CONSTANCE J. McCAUGHEY**, 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