

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Martin R. Stern

93-04731

Name of Respondent

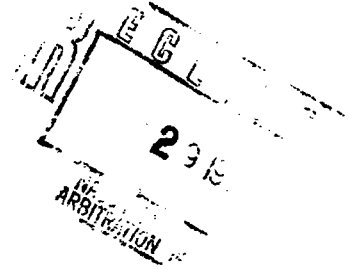
Kemper Securities, Inc., successor in merger to
Prescott, Ball & Turben, Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on November 15, 1993, Claimant Martin R. Stern, who appeared Pro Se, alleged that Respondent Prescott, Ball & Turben, Inc. recommended to his mother, while living and maintaining an account with the Respondent, that she invest in a high risk security, B & H Bulk Carriers Ltd., and that after she passed away and he was able to review her records, he discovered that this investment was not suitable for her. The Claimant contended that Respondent Prescott, Ball & Turben, Inc. should be held liable for the wrongdoing it has committed.

Respondent Kemper Securities, Inc., successor to Prescott, Ball & Turben, Inc., through its in-house representative, Renan I. Sugarman, VP of Kemper Securities, Inc., Chicago, IL, maintained that the Claimant's mother was an intelligent and independent woman, who researched the investment for a long time prior to purchasing it, and further that although initially the stock performed as expected, due to world conditions beyond the control of the Respondent, the stock ultimately declined. The Respondent contended that there is no claim against it, since Mrs. Stern understood the risks involved in investing in this security, and therefore the claim should be dismissed.

In a reply to the Answer, Claimant Martin R. Stern, refuted the defenses of the Respondent and reiterated his request for compensation due to the wrongdoing of the Respondent.



RELIEF REQUESTED

Claimant Martin R. Stern requested \$6,080.25 in actual damages.

Respondent Kemper Securities, Inc., successor to Prescott, Ball & Turben, Inc. 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 Arbitrator, Alan S. Farnell, Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on February 8, 1994 and by the Respondent on April 4, 1994.

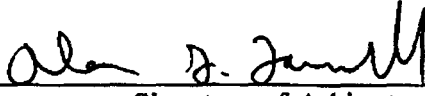
And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. The claims of the Claimant Martin R. Stern against Respondent Kemper Securities, Inc., successor in merger to Prescott, Ball & Turben, Inc. 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 Claimant Martin R. Stern, shall be retained by the NASD, Inc.

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AFFIRMATION

I, ALAN S. FARNELL, 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: October 3, 1994