

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant

Annabelle Datzker

v.

NASD Arbitration
No. 94-01690

Name of Respondents

Prudential Securities, Inc., and
William P. Keane

REPRESENTATION

For Claimant: Michael E. Friedman, Esq.,
Pasadena, California

For Respondents: Janet M. Simmons, Esq., Keesal, Young & Logan,
Long Beach, California

CASE INFORMATION

Statement of Claim filed: May 5, 1994

Claimant's Submission Agreement signed: April 27, 1994

Joint Statement of Answer filed by Respondents: July 26, 1994

Respondent Prudential Securities' Submission Agreement signed: July 25, 1994

Respondent William P. Keane's Submission Agreement signed: July 21, 1994

HEARING INFORMATION

A pre-hearing telephone conference lasting one session was held on February 13, 1995.

The evidentiary hearing was held in Los Angeles, California, as follows:

March 6, 1995 - 2 sessions

March 7, 1995 - 3 sessions

March 8, 1995 - 2 sessions

CASE SUMMARY

Claimant alleged Respondents placed her in unsuitable investments, including transactions in limited partnerships, naked puts, long options, and common stocks. Claimant further alleged breach of fiduciary duty, fraud and misrepresentation and respondeat superior.

Respondents denied the allegations of the claim and asserted that Claimant was a sophisticated, knowledgeable investor with substantial investment experience who consented to each trade.

RELIEF REQUESTED

Claimant requested damages of \$133,665 plus punitive damages, pre-judgment interest, costs of arbitration and attorney's fees.

Respondents requested dismissal of all claims.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the original remains on file with the NASD.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent William P. Keane is liable for and shall pay to Claimant the sum of \$6,000.
2. Respondent Prudential Securities is liable for and shall pay to Claimant the sum of \$30,000.

3. The claims for interest and punitive damages are dismissed.
4. The parties shall each bear their respective costs, including attorney's fees.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall retain the \$200 non-refundable filing fee paid by Claimant. The parties are to divide the forum fees as follows:

1 pre-hearing telephone conference	\$ 300.00
7 evidentiary hearings sessions @ \$750/session	<u>5,250.00</u>
Total Fees	\$ 5,550.00
 Claimant's one-half share	 \$ 2,775.00
Credit for deposit	<u>750.00</u>
Balance Due	\$ 2,025.00
 Respondents' one-half share	 \$ 2,775.00

Fees are payable to the National Association of Securities Dealers, Inc.

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
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Delores I. Smith	Public Arbitrator
Richard S. Mannheimer	Public Arbitrator
John Alen DeRosa	Industry Arbitrator

Concurring Arbitrators' Signatures

Delores I. Smith
Delores I. Smith

Richard S. Mannheimer

John Alen DeRosa

Date Served: 3-21-95