

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between

Abraham Beer (Claimant) vs. Prudential Securities, Inc. and Anthony C. DeVivio (Respondents)

Case Number: 99-00745

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, Abraham Beer, hereinafter referred to as "Claimant": pro se, Brooklyn, New York.

Respondents, Prudential Securities, Inc. ("Prudential") and Anthony DeVivio ("DeVivio"), hereinafter collectively referred to as "Respondents": Arthur Baumgartner, Esq., Prudential Securities, Inc., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: February 19, 1999.

Claimant signed the Uniform Submission Agreement: January 24, 1999.

Statement of Answer filed by Respondents, on or about: August 5, 1999.

Respondent, Prudential, signed the Uniform Submission Agreement: August 5, 1999.

Respondent, DeVivio, signed the Uniform Submission Agreement: September 17, 1999.

CASE SUMMARY

Claimant asserted the following cause of action: improperly charged him for an options order for 30 call 100 for Geotek, which was canceled.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant expressly ordered, approved authorized, participated in and ratified the acts and transactions, complained of and upon which recovery is sought, and Claimant is accordingly precluded from recovery; Respondents acted in good faith and did not act with intent to deceive or act recklessly with respect to Claimant nor was there any conspiracy, scheme, or intent to defraud Claimant; and, Claimant is not entitled to recover any punitive damages.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$1,446.94
Punitive Damages	\$1,000.00

Respondents requested dismissal of the Statement of Claim, and further and other relief as the Panel deems appropriate.

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.

Before the hearing, Claimant dismissed the claims against Respondent DeVivio.

AWARD

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

1. The claim for damages is denied; and,
2. Any and all relief not specifically addressed herein, including punitive damages, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:
Initial claim filing fee = \$50.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.
Member surcharge = \$200.00

Forum Fees and Assessments

The Arbitrator assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$100.00 = \$100.00
Pre-hearing conference: February 24, 2000 1 session

One (1) Hearing session x \$100.00 = \$100.00
Hearing Date: June 29, 2000 1 session

Total Forum Fees = \$200.00

The Arbitrator has assessed \$100.00 of the forum fees to Claimant, Abraham Beer.
The Arbitrator has assessed \$100.00 of the forum fees jointly and severally to DeVivio and

Prudential Securities, Inc.

Fee Summary

Claimant, Abraham Beer, be and hereby is solely liable for:

Initial Filing Fee	= \$ 50.00
<u>Forum Fees</u>	= \$100.00
Total Fees	= \$150.00
<u>Less payments</u>	= \$150.00
Balance Due NASD Regulation, Inc.	= \$ 0.00

Respondents, Prudential Securities, Inc. and Anthony Devivio, be and hereby are jointly and severally liable for:

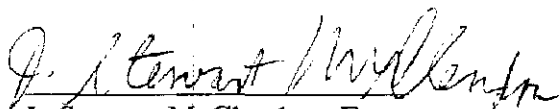
<u>Forum Fees</u>	= \$100.00
Total Fees	= \$100.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Regulation, Inc.	= \$100.00

Respondent, Prudential Securities, Inc., be and hereby is solely liable for:

<u>Member Fees</u>	= \$200.00
Total Fees	= \$200.00
<u>Less payments</u>	= \$200.00
Balance Due NASD Regulation, Inc.	= \$ 0.00

All balances are due and payable to NASD Regulation, Inc.

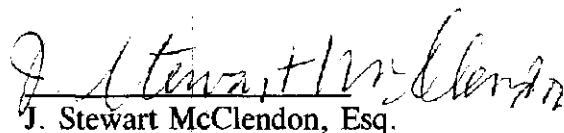
Concurring Arbitrator's Signature



J. Stewart McClendon, Esq.
Public Arbitrator, Presiding Arbitrator

July 10, 2000
Signature Date

I, J. Stewart McClendon, Esq., do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.


J. Stewart McClendon, Esq.

July 17, 2000

Date of Service (For NASD Office use only)

, Inc.