

**N.A.S.D. REGULATION AWARD**  
**NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.**

CASE: 99-01941

Dorothy L. McCafferty Trust, claimant vs. Prudential Securities, Inc., and Hank Mark Werner, respondents.

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**ATTORNEYS:**

For Claimant Dorothy L. McCafferty Trust ("Claimant"), Charles W. Austin, Jr., Esq., Charles W. Austin, J.R., P.C., Richmond, Virginia.

For Respondent Prudential Securities ("Prudential"), Joan L. Schwartz, Esq., in-house counsel for Prudential Securities, New York, New York.

Respondent Hank Mark Werner ("Werner"), appeared Pro Se., Woodbury, New York.

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DATE FILED: 4/27/1999

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**CASE SUMMARY:** Claimant maintained that in the Spring of 1993, Werner recommended the purchase of Pilgrim Adjustable Rate Securities Trust I-A ("Pilgrim") as a safe, conservative alternative to Certificates of Deposit. Claimant alleged that Respondents failed to disclose the degree of risk associated with the Pilgrim investment.

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Claim Data	Award Data
Claim: \$14,000.00	Award: \$14,000.00
Interest: at the legal rate or an amount representing what the money in the McCafferty Trust Account would have earned had it been invested appropriately.	Interest: at 6% from 6/8/1995 to the date of the award
Punitive: unspecified	Punitive: \$.00
Atty Fees: unspecified	Atty Fees: \$.00
Filing Fees: unspecified	Filing Fees: \$425.00
Other: unspecified	Other: \$376.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent Prudential is hereby liable and shall pay to the Claimant \$14,000.00. 2) Respondent Prudential is hereby liable and shall pay to the Claimant interest at the rate of 6% per annum accruing from June 8, 1995 to the date of the award. 3) Claimants request for attorney fees are hereby denied. 4) Respondent Prudential is hereby liable and shall pay to the Claimant costs in the amount of \$376.00. 5) All other relief requests are hereby denied. 6) The \$400.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the Claimant, shall be retained by NASD Regulation, Inc. 7) Respondent Prudential is hereby liable and shall pay Claimant \$400.00 as reimbursement of the filing fee.

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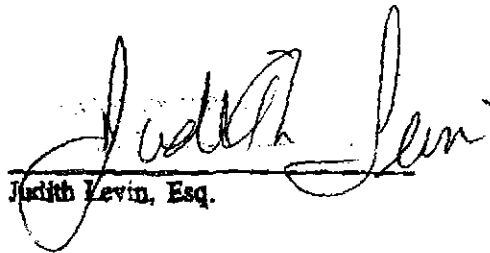
**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent Prudential Securities, Inc. has paid to NASD Regulation, Inc. the \$400.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:** The arbitrator granted Respondent Werner's Motion to Dismiss based on the Statute of Limitations and dismissed the claim against him.

**AFFIRMATION**

I, Judith Levin, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

  
Judith Levin, Esq.

March 27, 2000  
Date of award