

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Joseph C. Parisi (Claimant) v. CUNA Brokerage Services, Inc. and Joseph J. Careccia (Respondents)

Case Number: 03-03849

Hearing Site: Albany, New York

Nature of the Dispute: Customer v. Member and Associated Person.

REPRESENTATION OF PARTIES

Claimant Joseph C. Parisi ("Parisi") hereinafter referred to as "Claimant": Salvatore D. Ferlazzo, Esq., Girvin & Ferlazzo, P.C., Albany, NY.

Respondents CUNA Brokerage Services, Inc. ("CUNA") and Joseph J. Careccia ("Careccia") hereinafter collectively referred to as "Respondents": Gregory J. Schaefer, Esq., Hinshaw & Culbertson, Minneapolis, MN.

CASE INFORMATION

Statement of Claim filed on or about: May 21, 2003.

Claimant signed the Uniform Submission Agreement: March 22, 2003.

Joint Statement of Answer filed by Respondents on or about: July 22, 2003.

Respondent CUNA signed the Uniform Submission Agreement: July 17, 2003.

Respondent Careccia signed the Uniform Submission Agreement: July 16, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: suitability; misrepresentation; omissions; breach of fiduciary duty; and violation of NASD Conduct Rules. Claimant's claim involved common stock and mutual funds.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$150,000.00, plus interest and such other and further relief as is just.

Respondents requested that Claimant take nothing by his Statement of Claim; that the case be dismissed and an Award entered in favor of Respondents and against Claimant; that Respondents be awarded costs; and such other and further relief as the arbitrators deem just and equitable.

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.

AWARD

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

1. Respondent CUNA is liable for and shall pay to Claimant compensatory damages in the amount of \$23,000.00.
2. Respondent Careccia is liable for and shall pay to Claimant compensatory damages in the amount of \$1,000.00.
3. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$300.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, CUNA Brokerage Services, Inc. is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

Forum Fees and Assessments

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

One (1) Pre-hearing session with Panel @ \$1,125.00	= \$ 1,125.00
Pre-hearing conference: December 16, 2003 1 session	
Six (6) Hearing sessions @ \$1,125.00	= \$ 6,750.00
Hearing Dates: May 24, 2004 2 sessions	
May 25, 2004 2 sessions	
May 26, 2004 2 sessions	
Total Forum Fees	= \$ 7,875.00

1. The Panel has assessed \$1,125.00 of the forum fees against Claimant.
2. The Panel has assessed \$6,750.00 of the forum fees against Respondent CUNA.

Fee Summary

1. Claimant is solely liable for:	
Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,425.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 0.00
2. Respondent CUNA is solely liable for:	
Member Fees	= \$ 5,200.00
Forum Fees	= \$ 6,750.00
Total Fees	= \$11,950.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 6,750.00


All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

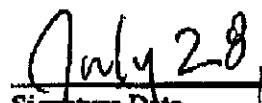
Timothy J. O'Connor, Esq.	-	Public Arbitrator, Presiding Chair
John J. Conway, III, Esq.	-	Public Arbitrator
Robert H. Watts	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, 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 is which is my award.



Timothy J. O'Connor, Esq.
Public Arbitrator, Presiding Chairperson



Signature Date July 28, 2004

John J. Conway, III, Esq.
Public Arbitrator

Signature Date

Robert H. Watts
Non-Public Arbitrator

Signature Date

July 30, 2004
Date of Service (For NASD Dispute Resolution use only)


ARBITRATION PANEL

Timothy J. O'Connor, Esq.	-	Public Arbitrator, Presiding Chair
John J. Conway, III, Esq.	-	Public Arbitrator
Robert H. Watts	-	Non-Public Arbitrator

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Timothy J. O'Connor, Esq.
Public Arbitrator, Presiding Chairperson



John J. Conway, III, Esq.
Public Arbitrator

Signature Date

7/29/04

Signature Date

Robert H. Watts
Non-Public Arbitrator

Signature Date

July 30, 2004
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Timothy J. O'Connor, Esq.	-	Public Arbitrator, Presiding Chair
John J. Conway, III, Esq.	-	Public Arbitrator
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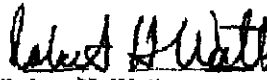
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Timothy J. O'Connor, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

John J. Conway, III, Esq.
Public Arbitrator

Signature Date



Robert H. Watts
Non Public Arbitrator

7/27/04

Signature Date

July 30, 2004

Date of Service (For NASD Dispute Resolution use only)