

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Alan Decarolis (Claimant) vs. The Concord Equity Group, LLC and Carl Cherasia (Respondents)

Case Number: 05-05569

Hearing Site: Newark, New Jersey

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

**REPRESENTATION OF PARTIES**

Alan Decarolis hereinafter referred to as "Claimant": Howard J. Schwartz, Esq., Porzio, Bromberg & Newman, Newark, NJ.

Respondent The Concord Equity Group, LLC ("Concord"): George M. Meierhofer, Esq., Goldstein and DiGioia, LLP, New York, NY. Previously represented by Barry R. Lax, Esq., The Lax Law Firm and Daniel O'Connor, CCO, The Concord Equity Group, LLC.

Respondent Carl Cherasia ("Cherasia") did not enter an appearance in this matter.

**CASE INFORMATION**

Statement of Claim filed on or about: October 27, 2005.

Claimant signed the Uniform Submission Agreement: October 5, 2005.

Statement of Answer filed by Concord on or about: January 31, 2006.

Concord signed the Uniform Submission Agreement: January 30, 2006.

Cherasia did not submit an Answer or sign the Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of actions: failure to supervise, misrepresentation and omissions, and negligence. The causes of action relate to unspecified securities.

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

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$80,000.00, punitive damages in the amount of \$150,000.00, interest, and attorneys' fees.

Concord requested the claim be dismissed in its entirety and such other and further relief the Panel deems just and proper.

### **OTHER ISSUES CONSIDERED AND DECIDED**

By letter dated January 8, 2007 Claimant notified NASD Dispute Resolution that he had settled his claims against Concord and that pursuant to the parties' agreement Concord would pay all forum fees associated with this claim.

In addition, Claimant opted to proceed against Cherasia pursuant to Rule 10314(e) of the *NASD Code of Arbitration Procedure* ("Code").

The Arbitrator determined that Cherasia was properly served notice of the Statement of Claim and Notification of the Arbitrator, and that Respondent Cherasia is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

Cherasia did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

### **AWARD**

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

1. Cherasia is liable for and shall pay to Claimant compensatory damages in the amount of \$38,250.00, plus interest at the rate of 6% per annum from October 5, 2005 until payment of the award.
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 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, Concord Equity Group, LLC is a party.

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

### **Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

June 28, July 5 and 10, 2006 adjournment by Claimant and Concord	= \$ 1,125.00
Claimant's share	= \$562.50
Concord's share	= \$562.50

### **Forum Fees and Assessments**

The Arbitrator has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. A 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 @ \$450.00/session	= \$ 450.00
Pre-hearing conference: November 6, 2006	1 session

Two (2) Pre-hearing sessions with Panel @ \$1,125.00/session	= \$ 2,250.00
Pre-hearing conferences: June 14, 2006	1 session
March 6, 2006	1 session

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Total Forum Fees	= \$ 2,700.00
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1. Pursuant to the parties' agreement, Concord has been assessed \$2,700.00 of the forum fees.

### **Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Adjournment Fees	= \$ 562.50
Total Fees	= \$ 862.50
Less payments	= \$ 1,987.50
Refund due Claimant	= \$ 1,125.00

2. Concord is solely liable for:

Member Fees	= \$ 5,200.00
Adjournment Fees	= \$ 562.50
Forum Fees	= \$ 2,700.00
Total Fees	= \$ 8,462.50
Less Payments	= \$ 5,762.50
Balance Due NASD Dispute Resolution	= \$ 2,700.00

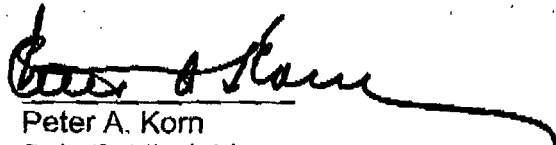
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

**ARBITRATOR**

Peter A. Korn

Sole Public Arbitrator

**Arbitrator's Signature**



Peter A. Korn  
Sole Public Arbitrator

2/10/07  
Signature Date

**February 12, 2007**

Date of Service (For NASD Dispute Resolution office use only)