

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

D. Frank Frisina

91-03745

Name of Respondent(s)

David Cravatta

REPRESENTATION

For Claimant: Charles S. Desmond II, Esq. a sole practitioner.

For Respondent: Nelson S. Torre, Esq. of Giardino & Schober.

CASE INFORMATION

Statement of Claim filed: October 9, 1992

Addendum to Statement of Claim filed: October 9, 1992.

Claimant's Submission Agreement signed on: November 15, 1991.

Statement of Answer filed by Respondent, David Cravatta on: November 25, 1991

David Cravatta's Submission Agreement signed on December 18, 1991

HEARING INFORMATION

Hearing Date/Sessions: November 13, 1992 - Two Sessions.

Hearing Location: Hyatt Regency - Buffalo, NY.

CASE SUMMARY

Claimant alleges that based on the misrepresentations of the Respondent, he was fraudulently induced to purchase stock of Envirocare Management Corporation ("Envirocare"). Claimant alleges that Respondent willfully withheld information regarding Envirocare. Claimant alleges that the price of the stock fell and that he incurred losses as a result.

Respondent admits that he offered Claimant sale of penny stock in Envirocare. Respondent denied that he willfully withheld information from the Claimant. Respondent denies that he fraudulently induced the Claimant to purchase the stock.

Respondent maintains that he did not misrepresent the facts pertaining to the Envirocare stock.

RELIEF REQUESTED

Claimant requested a refund of \$18,280.00.

Respondent asserted that the claim fails to state a cause of action against the Respondent.

AWARD

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

1. Respondent, David Cravatta is hereby liable and shall pay to the Claimant the sum of 12,250.00 (TWELVE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS). This amount is inclusive of interest.
2. Respondent shall re-imburse to the Claimant the sum of \$400.00 that Claimant previously deposited with the NASD.

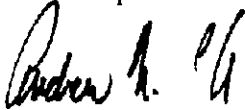
FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed.

\$100.00 Non-refundable filing fee
\$100.00 Hearing Session fees (2 Sessions x \$300.00)

1. Total forum fees of \$600.00 are hereby assessed against Respondent, David Cravatta.
2. Respondent shall re-imburse Claimant's filing fees as detailed above and is further directed to pay the balance of \$200.00 to the NASD, Inc.

Arbitrator's Signature
Public Chairperson



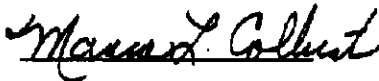
Andrew N. Carnell, Esq.

Date of Decision: January 13, 1993

STATE OF *NEW YORK*
COUNTY OF *ALBANY*

S.S:

On this *11th* day of *JAN*, 1993, before me personally appeared Andrew Carnell known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.



MARIA L. COLBERT
Notary Public
New York
County
Expires April 14, 19*94*