

9710012

**AWARD**

**NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION**

In the matter of the Arbitration Between

**Name of Claimant**

Paul R. Eberle

v.

Arbitration No.  
96-05253

**Name of Respondents**

John Puglisi, Herman Epstein, and Investors Associates, Inc.

**REPRESENTATION**

For Claimant:

In Pro Per  
Topanga, California

For Respondent:

M. David Sayid, Esq.  
Sayid and Associates  
Hackensack, New Jersey

**CASE INFORMATION**

Statement of Claim filed:

November 26, 1996

Claimant's Submission Agreement signed:

November 15, 1996

Joint Statement of Answer filed by Respondents:

January 27, 1997

**HEARING INFORMATION**

Pre-Hearing Conference Dates / Sessions:

March 14, 1997 (1 Session)

Hearing Dates / Sessions:

July 7, 1997 (1 Session)  
August 16, 1997 (2 Sessions)

Hearing Location:

Los Angeles, California

### CASE SUMMARY

Claimant alleged that Respondents made unauthorized stock trades in his account. Claimant further alleged that Respondents removed stock from his account by replacing it with other stock.

Respondents denied the allegations of wrongdoing found in the Claimant's Statement of Claim.

### RELIEF REQUESTED

Claimant requested that he be compensated for lost opportunity cost damages, \$100.00 to cover phone and fax charges, \$120.00 to cover preparation fees for the arbitration procedure, \$833.00 for the time spent attempting to recover his losses, and \$75,000.00 in punitive damages.

Respondents requested that the Statement of Claim be denied in its entirety and an award of costs, fees, expenses, and reasonable attorney's fees in an amount not less than \$5,000.00.

### OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed either in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the original remains on file with the NASD Regulation, Inc., Office of Dispute Resolution.

### AWARD

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

1. Respondents Investors Associates, Inc. and John Puglisi are jointly and severally liable to and shall pay Claimant, Paul R. Eberle, the sum of NINE HUNDRED NINETY SIX DOLLARS (\$996.00).
2. Respondents Investors Associates, Inc. and John Puglisi are jointly and severally liable to and shall pay Claimant, Paul R. Eberle, the further sum of SIX HUNDRED FORTY FIVE DOLLARS (\$645.00) as compensation for expenses incurred by Claimant due to a postponement of the hearing for these Respondents' convenience.
3. Respondents Investors Associates, Inc. and John Puglisi are jointly and severally liable to and shall pay Claimant, Paul R. Eberle, the further sum of ONE HUNDRED FIFTY DOLLARS (\$150.00) as compensation for the NASD filing fee.

4. Respondent Herman Epstein is not liable to Claimant, Paul R. Eberle, in any sum or amount, or at all. All Claims against Respondent Herman Epstein are denied in their entirety.

5. Except as otherwise expressly set forth above, all other claims, including the claim for punitive damages, are denied.

6. The parties shall each bear their respective costs, including attorney's fees.

7. Evidence was introduced at the hearing that \$1,358.81 has been withheld from Claimant and remitted to the IRS for Claimant's account. Claimant is entitled to the benefit of any credit in his favor in this regard. No adjustment in this award is due, whether the IRS allows this credit or not.

### **FORUM FEES**

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following forum fees are assessed:

One Pre-Hearing Conference Session @ \$500.00/Session	= \$500.00
Three Hearing Sessions @ \$500.00/Session	= \$1,500.00

<b>Total Fees assessed, jointly and severally, against Respondents Investors Associates, Inc. and John Puglisi:</b>	<b>= \$2,000.00</b>
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**Claimant's Hearing Session Deposit will be refunded by NASD Regulation, Inc.**

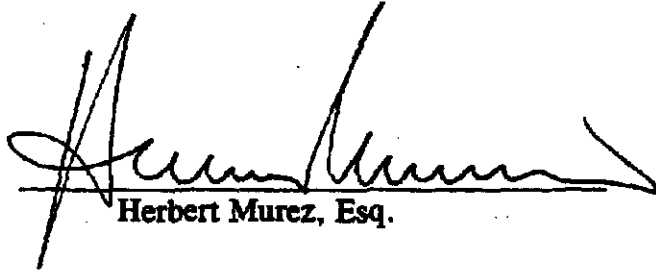
**Fees are payable to NASD Regulation, Inc.**

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**ARBITRATORS**

<u>Name.....</u>	<u>Public / Industry</u>
Herbert Murez, Esq.	Public Arbitrator
David J. Anderson	Public Arbitrator
Fiorello B. Abenes, Ph.D.	Industry Arbitrator

**Concurring Arbitrators' Signatures**

  
Herbert Murez, Esq.

erally, agreed  
David J. Anderson  
in, Inc

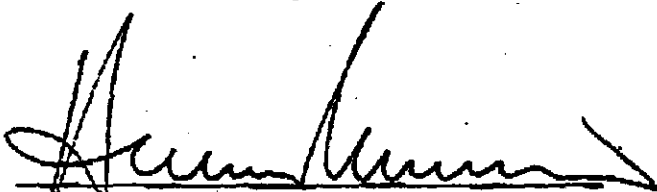
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Fiorello B. Abenes, Ph.D.

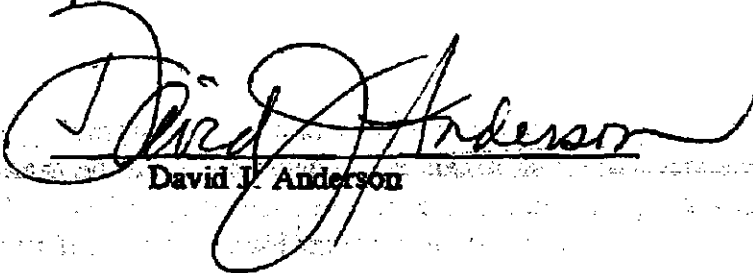
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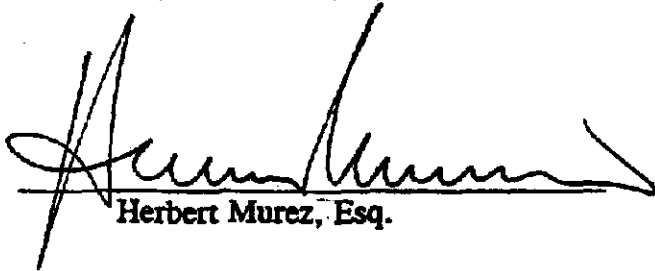
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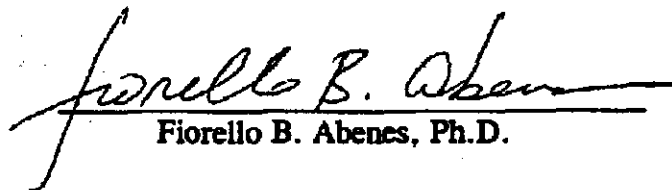
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Herbert Murez, Esq.

\_\_\_\_\_  
David J. Anderson

  
Fiorello B. Abenes, Ph.D.

Date of Service: AUGUST 29, 1997