

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Joseph C. Loiacono, Jr. and Marie Grace Loiacono, (Claimants) vs. Olde Discount Corporation,
Greg Hall, and Peter Carmasino, (Respondents)

Case Number: 99-00461

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimants, Joseph C. Loiacono, Jr. ("J. Loiacono") and Marie Grace Loiacono ("M. Loiacono"), hereinafter collectively referred to as "Claimants": George V. Cornell, III, Esq., sole practitioner, Bedford Hills, NY.

Respondents, Olde Discount Corporation ("Olde"), Greg Hall ("Hall"), and Peter Carmasino ("Carmasino"), hereinafter collectively referred to as "Respondents": Theodore A. Krebsbach, Esq. and Liam O'Brien, Esq., Theodore A. Krebsbach & Associates, P.C., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: February 1, 1999.

Claimants signed the Uniform Submission Agreement: April 2, 1998.

Joint Statement of Answer filed by Respondents on or about: June 11, 1999.

Olde signed the Uniform Submission Agreement: April 30, 1999.

Hall signed the Uniform Submission Agreement: June 8, 1999.

Carmasino signed the Uniform Submission Agreement: April 30, 1999.

CASE SUMMARY

Claimants asserted the following causes of action: negligence and gross negligence; negligent supervision; breach of fiduciary duty; common law fraud; unauthorized transactions; unsuitability; churning; misrepresentation; inappropriate margin activity; and violation of securities laws.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: the Statement of Claim fails to state a claim upon which relief can be granted; the claims are barred in whole or part by the applicable statutes of limitation; the claims are barred by the defenses of estoppel, waiver, ratification, and laches; Respondents acted in good faith and in compliance with all

applicable rules and regulations; Claimants did not reasonably rely on any wrongful action or inaction by Respondents; Respondents did not misrepresent material facts to Claimants; the allegations related to compensatory damages are conclusory and fail to set forth facts sufficient to state a claim for recovery of such damages; Claimants are barred from recovery because they failed to mitigate their damages; the facts in this case, as a matter of law, do not support a claim for punitive damages; an award of pre-judgement interest and attorneys fees is barred as a matter of law; and Respondents discharged their responsibilities in a professional and ethical manner, in good faith, and in accordance with the investment objectives expressed by Claimants.

RELIEF REQUESTED

Claimants requested an Award of unspecified damages, both compensatory and punitive, together with interest and costs, and such other and further relief as the Panel may deem appropriate, including but not limited to, a rescission of the investment transactions in question.

Respondents requested that the Statement of Claim be dismissed and that the costs of this arbitration be assessed against Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant M. Loiacono did not appear at the hearings in this matter. Her appearance was excused by the Panel.

Prior to the hearings in this matter, Claimants withdrew their claims for unsuitability and unauthorized trades.

During the hearings in this matter, Claimants withdrew all claims against Hall, and also withdrew their claim of churning.

During the hearings in this matter, Olde made a Motion to Dismiss at the end of Claimants' case. This Motion was denied by the Panel.

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, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants' claims are hereby denied in their entirety.
2. The parties shall each bear their own attorneys' fees and costs.
3. Upon confirmation of this Award by a court of competent jurisdiction, NASD Regulation, Inc. shall expunge all references to this arbitration from the permanent CRD records of Respondents Hall and Carmasino.
4. All other requests for relief are hereby denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 250.00

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. In this matter, Olde Discount Corporation is a party.

Member surcharge = \$1,200.00

Pre-hearing process fee = \$ 600.00

Hearing process fee = \$2,000.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing 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 a single arbitrator x \$300.00 = \$ 300.00

Pre-hearing conference: February 11, 2000 1 session

One (1) Pre-hearing session with Panel x \$600.00 = \$ 600.00
Pre-hearing conference: November 3, 1999 1 session

Three (3) Hearing sessions x \$600.00 = \$1,800.00
Hearing Date: June 28, 2000 2 sessions
June 29, 2000 1 session

Total Forum Fees = \$2,700.00

1. The Panel has assessed \$1,350.00 of the forum fees jointly and severally against Claimants.
2. The Panel has assessed \$1,350.00 of the forum fees jointly and severally against Respondents.

Fee Summary

1. Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$ 250.00
<u>Forum Fees</u>	= \$1,350.00
Total Fees	= \$1,600.00
<u>Less payments</u>	= \$ 850.00
Balance Due NASD Regulation, Inc.	= \$ 750.00

2. Olde be and hereby is solely liable for:

<u>Member Fees</u>	= \$3,800.00
Total Fees	= \$3,800.00
<u>Less payments</u>	= \$3,800.00
Balance Due NASD Regulation, Inc.	= \$ 0.00

3. Respondents be and hereby are jointly and severally liable for:


<u>Forum Fees</u>	= \$1,350.00
Total Fees	= \$1,350.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Regulation, Inc.	= \$1,350.00

All balances are due and payable to NASD Regulation, Inc.

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 which is my award.


John Fleming Kelly, Esq.
Public Arbitrator, Presiding Chair


Richard M. Gaba, Esq.
Public Arbitrator


David L. Becker, Esq.
Industry Arbitrator

 27, 2000
Signature Date

Signature Date

Signature Date

August 9, 2000
Date of Service (For NASD office use only)

Concurring Arbitrators' Signatures

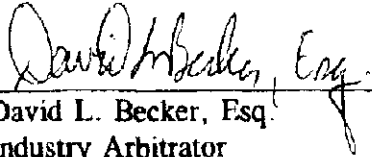
I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

John Fleming Kelly, Esq.
Public Arbitrator, Presiding Chair

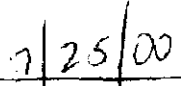
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