

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimants

Michael R. Slavit
Betsy E. Slavit
Joyce Silverman
Donald Cohen
Jill Cohen

vs.

Case No. 99-01633

Name of Respondent

Richard A. Durot

REPRESENTATION OF PARTIES

Claimants, Michael R. Slavit ("M. Slavit"), Betsy E. Slavit ("B. Slavit"), Joyce Silverman ("Silverman"): Michael R. Slavit, Warwick, Rhode Island

Claimants, Donald Cohen ("D. Cohen") and Jill Cohen ("J. Cohen"): Donald Cohen, Providence, Rhode Island

Respondent, Richard A. Durot, hereinafter referred to as "Respondent": Robert Fitzpatrick, Esq., Trumbull, Connecticut

CASE INFORMATION

Joint Statement of Claim of Claimants M. Slavit, B. Slavit, and Silverman, filed on or about: April 7, 2000

Joint Amended Statement of Claim of Claimants M. Slavit, B. Slavit, Silverman, and D. Cohen, hereinafter collectively referred to as "Claimants," filed on or about: August 31, 1999

Claimant, M. Slavit, signed the Uniform Submission Agreement: March 23, 1999

Claimant, B. Slavit, signed the Uniform Submission Agreement: February 17, 1999

Claimant, J. Silverman, signed the Uniform Submission Agreement: March 18, 1999

Claimant, D. Cohen, signed the Uniform Submission Agreement: August 23, 1999

Claimant, J. Cohen, signed the Uniform Submission Agreement: July 19, 2000

Statement of Answer filed by Respondent on or about: July 8, 1999

Amended Statement of Answer filed by Respondent on or about: October 13, 1999

Respondent signed the Uniform Submission Agreement: July 8, 1999

CASE SUMMARY

Claimants asserted the following causes of action: unsuitability; misrepresentations and omissions of fact.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimants requested:

Compensatory Damages	\$121,191.72
Treble Damages	\$242,383.44

Respondent requested that all claims be denied.

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing on June 13, 2000, Respondent requested that the Panel add Claimant Donald Cohen's wife, Jill Cohen, as an indispensable party, as the claims involve their joint account. The Panel granted the request and Jill Cohen will execute a Uniform Submission Agreement prior to the next hearing session.

Claimant Donald Cohen appeared for the first day of hearing on June 13, 2000. However, on the next hearing date of July 20, 2000, he sent a message to the Panel that he wished to withdraw the claims of Claimants Donald and Jill Cohen. The Panel granted the request.

The parties 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 decided in full and final resolution of the issues submitted for determination as follows:

1. That Claimants' claims are denied; and
2. That each party shall bear their own costs and expenses, with the exception of the forum fees as specified below; and
3. That any and all relief not specifically addressed herein, including treble damages, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. 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 firms that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is the Respondent's employer.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$600.00
Hearing process fee	= \$2,500.00

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:

1 Pre-hearing session with Panel x \$1,125	= \$1,125.00
Pre-hearing conference: March 31, 2000 1 session	
3 Hearing sessions x \$1,125	= <u>\$3,375.00</u>
Hearing Dates: June 13, 2000 1 session	
July 20, 2000 2 sessions	
Total Forum Fees	= \$4,500.00

The Panel assessed \$2,250.00 of the forum fees to Claimants, jointly and severally.
The Panel assessed \$2,250.00 of the forum fees to Respondent.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$300.00
Forum Fees	= <u>\$2,250.00</u>
Total Fees	= \$2,550.00
Less payments	= <u>\$1,425.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$1,125.00

Respondent Durot is liable for:

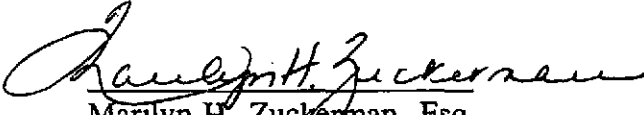
Forum Fee	= \$2,250.00
Balance Due NASD Dispute Resolution, Inc.	= \$2,250.00

Merit Capital is solely liable for:

Member Fees	= \$4,600.00
Total Fees	= \$4,600.00
Less payments	= \$4,600.00
Balance Due NASD Dispute Resolution, Inc.	= \$ --0--

All balances are due and payable to NASD Dispute Resolution, Inc.

CONCURRING ARBITRATORS' SIGNATURES


Marilyn H. Zuckerman, Esq.
Public Arbitrator, Presiding Chair

August 13, 2000
Signature Date

Richard M. McCostis, Esq.
Public Arbitrator

Signature Date

Richard O. Hansen
Industry Arbitrator

Signature Date

August 22, 2000
Date of Service (For NASD-DR office use only)

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Public Arbitrator

8/03/00
Signature Date

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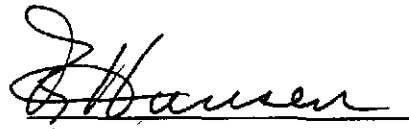
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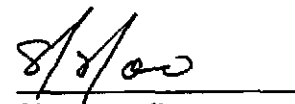
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