

**STIPULATED AWARD
NASD Dispute Resolution**

In the Matter of the Arbitration Between

Names of Claimants

Stephen Kertesz and Yolanda Kertesz

and

Case Number: 01-03252
Hearing Site: Southfield, Michigan

Names of Respondents

Hantz Financial Services
Steven Jarzabek and David Smith

NATURE OF CASE

Customers v. Member and Associated Persons

REPRESENTATION OF PARTIES

Stephen Kertesz and Yolanda Kertesz ("Claimants") was represented by Joseph Spiegel, Esq., Joseph H. Spiegel, P.C., Ann Arbor, Michigan

Hantz Financial Services ("Hantz"), Steven Jarzabek ("Jarzabek"), and David Smith ("Smith") were represented by Bradley J. Schram, Esq. and Simon J. Hill, Esq., Bloomfield Hills, MI 48302

CASE INFORMATION

The Statement of Claim was filed on or about June 9, 2001. The Submission Agreement of Claimants Stephen Kertesz and Yolanda Kertesz was signed on or about April 16, 2001, and May 22, 2001.

Statement of Answer was filed jointly by Respondents on or about October 5, 2001.

CASE SUMMARY

Claimants asserted the following legal theories in support of their recovery: fraud, breach of fiduciary duty, breach of Michigan securities law, breach of federal securities law, and violation of Michigan Consumers Protection Law. The causes of action relate to the recommendation and sale of class B share of various mutual funds, including Janus Mid Cap Growth B, Invesco Technology B and Alliance Growth Fund B.

Unless specifically admitted in their Answer, Respondents asserted legal and factual defenses to the claims.

RELIEF REQUESTED

In the Statement of Claim, Claimants requested an award in the amount of \$139,084.97, rescission, interest, exemplary damages, costs, attorneys fees and such other and further relief as the Panel deems necessary and proper.

Respondents requested that the claims asserted against them be denied in their entirety, that they be awarded their costs and attorneys' fees, and that the CRD records of the individual Respondents be expunged of all references to this matter.

OTHER ISSUES CONSIDERED & DECIDED

Respondents Hantz Financial Services, Steven Jarzabek, and David Smith did not file with NASD Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code") and having answered the claim, appeared and testified at the hearing are bound by the determination of the arbitration panel on all issues submitted.

The Panel has been informed that the parties have agreed to resolve this matter. However, Respondents have asked the Panel to make a specific finding that there were no sales practice violations or wrongdoing or other liability attributable to Smith or Jarzabek and enter an Award recommending the expungement of all reference to the above-captioned arbitration from all registration records of Respondents, Smith and Jarzabek. Claimants had no objections.

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. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution (the "NASD").

AWARD

After considering the parties' submissions, representations, exhibits and the testimony of Claimants, Smith and Jarzabek, the undersigned arbitrators order as follows:

- 1.) All claims having been withdrawn, the same are hereby dismissed with prejudice and without costs, except such costs as specified below;
- 2.) The Panel finds no sales practice violations or any other wrongdoing by Respondents David Smith and Steven Jarzabek,

- 3.) The panel recommends the expungement of all reference to the above captioned arbitration from Respondents Steven Jarzabek's and David Smith's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondents Jarzabek and Smith must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive; and
- 4.) That any relief not specifically enumerated, including punitive damages and attorney fees, is hereby denied and dismissed with prejudice.

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

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 persons at the time of the events giving rise to the dispute. In this matter, the member firm is Hantz Financial Services.

Member surcharge = \$ 1,500.00

Pre-hearing process fee = \$ 600.00

Hearing process fee = \$ 2,500.00

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$1,125.00 = \$ 1,125.00

Pre-hearing conference: February 8, 2002 1 session

Nine (9) Hearing sessions x \$1,125.00 = \$10,125.00

Hearing Dates: October 29, 2002 2 sessions
October 30, 2002 2 sessions
May 27, 2003 2 sessions

May 28, 2003
August 11, 2003

2 sessions
1 session

Total Forum Fees = \$11,250.00

The Arbitration Panel has assessed \$5,625.00 of the forum fees jointly and severally to Stephen Kertesz and Yolanda Kertesz.

The Arbitration Panel has assessed \$5,625.00 of the forum fees jointly and severally to Hantz Financial Services, Steven Jarzabek, and David Smith.

Fee Summary

Claimants, Stephen Kertesz and Yolanda Kertesz, are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 5,625.00
Total Fees	= \$ 5,925.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 4,500.00

Respondent, Hantz Financial Services, is liable for:

Member Fees	= \$ 4,600.00
Total Fees	= \$ 4,600.00
Less payments	= \$ 2,100.00
Balance Due NASD Dispute Resolution	= \$ 2,500.00

Respondents, Hantz Financial Services, Steven Jarzabek, and David Smith, are jointly and severally liable for:

Forum Fees	= \$ 5,625.00
Total Fees	= \$ 5,625.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 5,625.00

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

ARBITRATION PANEL

Martin Brosnan - Public Arbitrator, Presiding Chair
D. Michael Kratchman, Esq. - Public Arbitrator
John A. Hubbard, Esq. - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Martin Brosnan
Martin Brosnan
Public Arbitrator, Presiding Chair

02/03/04
Signature Date

/s/ D. Michael Kratchman, Esq.
D. Michael Kratchman, Esq.
Public Arbitrator

02/02/04
Signature Date

/s/ John A. Hubbard, Esq.
John A. Hubbard, Esq.
Non-Public Arbitrator

01/30/04
Signature Date

02/04/04
Date of Service (For NASD office use only)

01/30/2004 16:17 FAX

NASD

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D. Michael Kratchman, Esq. - Public Arbitrator
John A. Hubbard, Esq. - Non-Public Arbitrator

Concurring Arbitrators:



Martin Brosnan
Public Arbitrator, Presiding Chair

2-3-04

Signature Date

D. Michael Kratchman, Esq.
Public Arbitrator

Signature Date

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Non-Public Arbitrator

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Non-Public Arbitrator

1/30/04

Signature Date

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