

STIPULATED AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between

Names of Claimants

Mark Alan and Maureen Simon

and

Case Number: 02-06404
Hearing Site: Milwaukee, Wisconsin

Names of Respondents

H&R Block Financial Advisors, Inc.,
Jeremy J. Wangerin, and
Gary B. Dunco

NATURE OF CASE

Customers v. Member and Associated Persons

REPRESENTATION OF PARTIES

Mark Alan and Maureen Simon ("**Claimants**") were represented by Christopher T. Kolb, Esq., Halling & Cayo, S.C., Milwaukee, Wisconsin.

H&R Block Financial Advisors, Inc. ("**H&R Block**") and Gary B. Dunco ("**Dunco**") were represented by Kathleen A. Dedenbach, Esq., H&R Block Financial Advisors, Inc., Detroit, Michigan.

Jeremy J. Wangerin ("**Wangerin**") did not make an appearance.

CASE INFORMATION

The Statement of Claim was filed on or about October 25, 2002. The Submission Agreement of Claimants, Mark Alan and Maureen Simon, was signed on or about October 25, 2002.

The Statement of Answer was filed jointly by Respondents, H&R Block Financial Advisors, Inc. and Gary B. Dunco, on or about January 3, 2003. The Submission Agreement of Respondent, H&R Block Financial Advisors, Inc., was signed on or about November 20, 2002.

CASE SUMMARY

Claimants asserted the following causes of action: negligence and failure to supervise. The causes of action related to the recommendation and purchase of various unspecified securities.

Unless specifically admitted in their Answer, Respondent H&R Block and Gary B. Dunco, denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimants requested an award in the amount of:

Actual/Compensatory Damages	\$200,000.00
Punitive/Exemplary Damages	\$200,000.00
Interest	Unspecified
Attorneys' Fees	Unspecified
Other Costs	Unspecified
Other Monetary Relief	Unspecified

Respondents requested that the claims asserted against them be denied in their entirety and that they be awarded their costs and attorneys' fees. In addition, Respondent, Gary B. Dunco, requested that these claims be expunged from his CRD record.

OTHER ISSUES CONSIDERED & DECIDED

Respondent, Gary B. Dunco, did not file with the NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code") and having answered the claim is bound by the determination of the arbitration panel on all issues submitted.

On or about May 29, 2003, Claimants dismissed without prejudice their claims against Respondent, Jeremy J. Wangerin.

On or about March 16, 2004, the Claimants settled their claims against Respondents, H&R Block and Gary B. Dunco.

On or about September 28, 2005, the Panel held a prehearing conference call to hear the parties' joint request to expunge these claims from the CRD record of Respondent Dunco.

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 and representations, but without making any findings of fact or conclusions of law, the undersigned arbitrators order as follows:

- 1.) Claimant's claims, each and all, are dismissed with prejudice pursuant to the parties' settlement agreement;
- 2.) Other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter;
- 3.) The panel recommends the expungement of all reference to the above captioned arbitration from Respondent, Gary B. Dunco's, registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent, Gary B. Dunco, must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive; and
- 4.) Any relief not specifically enumerated, including punitive damages and attorneys' fees, is hereby denied with prejudice.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain the non-refundable filing fee 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 firm that employed the associated persons at the time of the events giving rise to the dispute. In this matter, the member firm is H&R Block Financial Advisors, Inc.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00

Hearing process fee = \$ 2,750.00

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 arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with Panel x \$1,125.00 = \$ 2,250.00

Pre-hearing conferences: May 29, 2003 1 session

September 28, 2005 1 session

Total Forum Fees = \$ 2,250.00

The Arbitration Panel has assessed \$562.50 of the forum fees jointly and severally to Mark Alan and Maureen Simon.

The Arbitration Panel has assessed \$1,687.50 of the forum fees jointly and severally to H&R Block Financial Advisors, Inc. and Gary B. Dunco.

Fee Summary

Claimants, Mark Alan and Maureen Simon, are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Retention of Hearing Session Deposit	= \$ 562.50
Forum Fees	= \$ 562.50
Total Fees	= \$ 1,425.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent, H&R Block Financial Advisors, Inc., is liable for:

Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents, H&R Block Financial Advisors, Inc. and Gary B. Dunco, are jointly and severally liable for:

Forum Fees	= \$ 1,687.50
Total Fees	= \$ 1,687.50
Less payments	= \$ 562.50

Balance Due NASD Dispute Resolution

= \$ 1,125.00

Pursuant to Rule 10332(g) of NASD Code of Arbitration Procedures: *Any matter submitted and thereafter settled or withdrawn subsequent to the commencement of the first hearing session, including a pre-hearing conference with an arbitrator, shall be subject to an assessment of forum fees and costs incurred pursuant to Rules 10319, 10321, 10322, and 10326 based on hearing sessions held and scheduled within eight business days after the Association receives notice that the matter has been settled or withdrawn. The arbitrator(s) shall determine by whom such forum fees and costs shall be borne.* As NASD Dispute Resolution received notice of the settlement within eight business days of the first scheduled hearing, \$562.50 of the Claimant's remaining hearing session deposit is retained.

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

ARBITRATION PANEL

Jeffrey M. Bain, Esq. - Public Arbitrator, Presiding Chair
Robert C. Bonges, Esq. - Public Arbitrator
Ralph O. Bolt - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Jeffrey M. Bain, Esq.
Jeffrey M. Bain, Esq.
Public Arbitrator, Presiding Chair

December 29, 2005
Signature Date

/s/ Robert C. Bonges, Esq.
Robert C. Bonges, Esq.
Public Arbitrator

December 23, 2005
Signature Date

/s/ Ralph O. Bolt
Ralph O. Bolt
Non-Public Arbitrator

December 23, 2005
Signature Date

December 29, 2005
Date of Service (For NASD office use only)

ARBITRATION PANEL

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Robert C. Bonges, Esq. - Public Arbitrator
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Concurring Arbitrators:



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Signature Date

Robert C. Bonges, Esq.
Public Arbitrator

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Signature Date

Robert C. Bonges, Esq.
Public Arbitrator

Signature Date


Ralph O. Bolt
Non-Public Arbitrator

12-23-05
Signature Date

Date of Service (For NASD office use only)