
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
David M. Morton

Case Number: 03-02965

Names of the Respondents
H&R Block Financial Advisors, Inc.,
f/k/a Olde Discount Corporation
George V. Ryan

Hearing Site: Tampa, Florida

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

For David M. Morton, hereinafter referred to as "Claimant": John A. Colton, Esq., Donald J. Harrell, Esq., and Hugh C. Ferrell, Esq., Burgess, Harrell, Mancuso, Olson & Colton, P.A., Sarasota, Florida.

For H&R Block Financial Advisors, Inc., f/k/a Olde Discount Corporation ("HRBFA") and George V. Ryan ("Ryan"), hereinafter collectively referred to as "Respondents": Donald P. Wray, Jr., Assistant General Counsel, HRBFA, Detroit, Michigan.

CASE INFORMATION

Statement of Claim filed on or about: April 21, 2003.

Claimant signed the Uniform Submission Agreement: April 21, 2003.

Statement of Answer filed by Respondents on or about: July 25, 2003.

Respondent HRBFA signed the Uniform Submission Agreement: May 9, 2003.

Respondent Ryan did not file an executed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: violations of federal securities laws and Chapter 517, Florida Statutes, and/or Florida common law for material misrepresentations, using materially false and misleading information, failure to disclose material and adverse information; breach of duty to maintain professional standards; negligence; breach of contract; breach of fiduciary duty; and, unjust enrichment. The causes of action relate to the purchase of AT&T Canada bonds in Claimant's account.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested actual damages of \$261,067.25, disgorgement of mark-ups, credits, discounts, commissions, and remuneration earned on Claimant's bonds, interest of \$47,094.71, costs, reasonable attorneys' fees, and such other legal and equitable relief as the undersigned arbitrators (the "Panel") deemed proper.

Respondents requested dismissal of the Statement of Claim and the entry of an award recommending expungement of all references to the above-referenced arbitration from Respondent Ryan's NASD Central Registration Depository ("CRD") records.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Ryan did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

The parties in this matter 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 hearings, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel finds in favor of the Respondents. Claimant's Statement of Claim is denied in its entirety and is dismissed, with prejudice.

Claimant's claims for relief pursuant to Chapter 517, Florida Statutes, are denied.

Each party is responsible for their own attorneys' fees and costs. No attorneys' fees and costs are awarded to either party.

Respondent Ryan's request for expungement is denied.

Any and all claims for relief not specifically addressed herein are denied.

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	= \$ 500.00
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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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent HRBFA is a member firm and a party.

Member surcharge	= \$ 2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 5,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were granted during these proceedings for which fees were assessed.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were assessed during these proceedings.

Forum Fees and Assessments

The Panel assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four hours or less.

One (1) Pre-hearing session with the Panel @ \$1,125.00	= \$ 1,125.00
Pre-hearing conference: October 14, 2003 1 session	

Eight (8) Hearing sessions with the Panel @ \$1,125.00	= \$ 9,000.00
Hearing conferences: February 17, 2004 3 sessions	
February 18, 2004 2 sessions	
February 19, 2004 2 sessions	
March 18, 2004 1 session	

Total Forum Fees	= \$10,125.00
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The Panel has assessed \$5,062.50 of the forum fees to Claimant.

The Panel has assessed \$5,062.50 of the forum fees jointly and severally to Respondents.

Administrative Costs

Administrative costs are incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is liable for:

Initial Filing Fee	= \$ 500.00
<u>Forum Fees</u>	<u>= \$ 5,062.50</u>
Total Fees	= \$ 5,562.50
<u>Less Payments</u>	<u>= \$ 1,700.00</u>
Balance Due NASD Dispute Resolution	= \$ 3,862.50

Respondent HRBFA is solely liable for:

<u>Member Fees</u>	<u>= \$ 8,550.00</u>
Total Fees	= \$ 8,550.00
<u>Less Payments</u>	<u>= \$ 8,550.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

<u>Forum Fees</u>	<u>= \$ 5,062.50</u>
Total Fees	= \$ 5,062.50
<u>Less Payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$ 5,062.50

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

ARBITRATION PANEL

Lawrence Gray Sanders, Esq.	-	Public Arbitrator, Presiding Chairperson
Theodore F. Chive	-	Public Arbitrator
Sean T. Wright	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Lawrence Gray Sanders, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

/s/
Theodore F. Chive
Public Arbitrator

Signature Date

/s/
Sean T. Wright
Non-Public Arbitrator

Signature Date

April 19, 2004
Date of Service (For NASD Dispute Resolution office use only)

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Fee Summary

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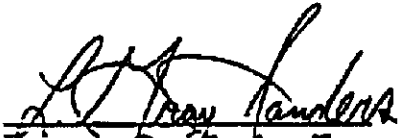
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Sean T. Wright	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


 Lawrence Gray Sanders, Esq.
 Public Arbitrator, Presiding Chairperson


 Signature Date

 Theodore F. Chive
 Public Arbitrator

 Signature Date

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Theodore F. Chive	-	Public Arbitrator
Sean T. Wright	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

 Lawrence Gray Sanders, Esq.
 Public Arbitrator, Presiding Chairperson

 Signature Date

Theodore F. Chive
 Theodore F. Chive
 Public Arbitrator

04/19/04
 Signature Date



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Sean T. Wright

Non-Public Arbitrator

4/15/04

Signature Date

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