
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
H&R Block Financial Advisors, Inc.

Case Number: 03-05755

Name of the Respondent
Brian Jon Van Anne

Hearing Site: Orlando, Florida

Nature of the Dispute: Member vs. Associated Person.

REPRESENTATION OF PARTIES

For H&R Block Financial Advisors, Inc., hereinafter referred to as "Claimant": Kathleen A. Dedenbach, Assistant General Counsel with Claimant, Detroit, Michigan.

For Brian Jon Van Anne, hereinafter referred to as "Respondent": Jeb T. Branham, Esq., Ponte Vedra Beach, Florida. On or about August 23, 2004, Jeb T. Branham, Esq. withdrew as counsel for Respondent. Thereafter, Respondent appeared *pro se*.

CASE INFORMATION

Statement of Claim filed on or about: August 4, 2003.

Claimant signed the Uniform Submission Agreement on: August 4, 2003.

Statement of Answer filed by Respondent on or about: October 20, 2003.

Respondent signed the Uniform Submission Agreement on: October 20, 2003.

CASE SUMMARY

Claimant alleged a cause of action for repayment of monies owed pursuant to a promissory note.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimant requested: 1) compensatory damages in the amount of \$60,000.00; 2) interest; 3) reimbursement of claim filing fee; and 4) attorneys' fees.

Respondent requested dismissal of the Statement of Claim.

OTHER ISSUES CONSIDERED AND DECIDED

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, and the post-hearing submissions (if any), the undersigned arbitrators (the "Panel") has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable under the promissory note and shall pay to Claimant compensatory damages in the amount of \$60,000.00, plus interest at the Florida legal rate that shall accrue from June 18, 2003 through payment of the Award.
2. Claimant's request and entitlement to attorneys' fees is deferred to a court of competent jurisdiction for determination.
3. Any and all claims or relief not specifically addressed herein are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), the following fees are assessed:

Filing Fees

NASD will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$1,000.00
--------------------------	--------------

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. Accordingly, Claimant is a member firm and a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournments requested during these proceedings for which fees were assessed.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

There were no three-day cancellation fees assessed during these proceedings.

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.

There were no injunctive relief fees assessed during these proceedings.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A 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 @ \$450.00 per session = \$ 450.00

Pre-hearing conference: August 10, 2004 1 session

One (1) Pre-hearing session with Panel @ \$750.00 per session = \$ 750.00

Pre-hearing conference: March 8, 2004 1 session

One (1) Hearing session @ \$750.00 per session = \$ 750.00

Hearing Date: January 20, 2005 1 session

Total Forum Fees = \$1,950.00

The Panel has assessed forum fees in the amount of \$975.00 to Claimant and \$975.00 to Respondent.

Administrative Costs

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

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee = \$1,000.00

Member Fees = \$3,550.00

Forum Fees = \$ 975.00

Total Fees = \$5,525.00

Less payments = \$5,300.00

Balance Due NASD Dispute Resolution = \$ 225.00

Respondent is solely liable for:

<u>Forum Fees</u>	= \$ 975.00
<u>Total Fees</u>	= \$ 975.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 975.00

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

ARBITRATION PANEL

<i>Fred V. McCrindle</i>	-	<i>Non-Public Arbitrator, Presiding Chairperson</i>
<i>Joseph I. Amonette</i>	-	<i>Non-Public Arbitrator</i>
<i>Gustavus L. Pearthree</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

/s/
Fred V. McCrindle
Non-Public Arbitrator, Presiding Chairperson

January 24, 2005
Signature Date

/s/
Joseph I. Amonette
Non-Public Arbitrator

January 25, 2005
Signature Date

/s/
Gustavus L. Pearthree
Non-Public Arbitrator

January 25, 2005
Signature Date

January 25, 2005
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution

Arbitration No. 03-05755

Award Page 4

Balance Due NASD Dispute Resolution = \$ 225.00

Respondent is solely liable for:

Forum Fees = \$ 975.00Total Fees = \$ 975.00Less payments = \$ 0.00

Balance Due NASD Dispute Resolution = \$ 975.00

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

ARBITRATION PANEL

Fred V. McCrindle

-

Non-Public Arbitrator, Presiding Chairperson

Joseph I. Amonette

-

Non-Public Arbitrator

Gustavus L. Pearthree

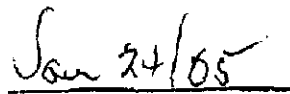
-

Non-Public Arbitrator

Concurring Arbitrators' Signatures

Fred V. McCrindle

Non-Public Arbitrator, Presiding Chairperson



Signature Date

Joseph I. Amonette

Non-Public Arbitrator

Signature Date

Gustavus L. Pearthree

Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 03-05755
Award Page 4

Balance Due NASD Dispute Resolution = \$ 225.00

Respondent is solely liable for:

<u>Forum Fees</u>	= \$ 975.00
<u>Total Fees</u>	= \$ 975.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 975.00

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

ARBITRATION PANEL

<i>Fred V. McCrindle</i>	-	<i>Non-Public Arbitrator, Presiding Chairperson</i>
<i>Joseph I. Amonette</i>	-	<i>Non-Public Arbitrator</i>
<i>Gustavus L. Pearthree</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Fred V. McCrindle
Non-Public Arbitrator, Presiding Chairperson

Signature Date

Joseph I. Amonette
Non-Public Arbitrator

Signature Date

Gustavus L. Pearthree
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

Balance Due NASD Dispute Resolution = \$ 225.00

Respondent is solely liable for:

<u>Forum Fees</u>	= \$ 975.00
<u>Total Fees</u>	= \$ 975.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 975.00

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

ARBITRATION PANEL

<i>Fred V. McCrindle</i>	-	<i>Non-Public Arbitrator, Presiding Chairperson</i>
<i>Joseph I. Amonette</i>	-	<i>Non-Public Arbitrator</i>
<i>Gustavus L. Pearthree</i>	-	<i>Non-Public Arbitrator</i>


Concurring Arbitrators' Signatures

Fred V. McCrindle
Non-Public Arbitrator, Presiding Chairperson

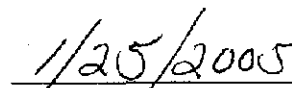
Signature Date

Joseph I. Amonette
Non-Public Arbitrator

Signature Date



Gustavus L. Pearthree
Non-Public Arbitrator



Signature Date

Date of Service (For NASD Dispute Resolution office use only)