

**PACIFIC EXCHANGE, INC.
115 Sansome Street
San Francisco, CA 94104**

In The Matter Of The Arbitration Between:

Faramarz Kiani

Claimant

v.

**H & R Block Financial Advisors, Inc.
and Timothy Cecchin**

Respondents

PCX CASE #: 03-5008

DECISION

The undersigned Arbitrators, having read and considered the Claim submitted by Claimant and the Answer of Respondents, and having considered evidence presented at hearings on September 29 - October 1, 2004 and December 20 - 21, 2004, hereby render the following Decision pursuant to Rule 12 of the Pacific Exchange:

REPRESENTATION OF PARTIES

Of Claimant: Joseph C. Barton, Esq.

Of Respondents: Timothy N. Will, Esq.

SUMMARY OF FACTS

Claimant submitted his Statement of Claim, dated January 20, 2004, to the Pacific Exchange. Respondents submitted their Answer, dated December 23, 2003. The Arbitration Hearing was held on September 29 - October 1, 2004 and on December 20 - 21, 2004 at the offices of the Pacific Exchange in San Francisco.

ISSUES PRESENTED

Claimant alleged unsuitability, failure to supervise and breach of fiduciary duty. Respondents denied Claimant's allegations and asserted affirmative defenses.

RELIEF REQUESTED

Claimant requested damages in the amount of \$306,977.03, plus pre-judgment and post-judgment interest and costs. Respondents requested dismissal of the Claim with prejudice. Respondents also requested that this matter be expunged from Mr. Cecchin's record, as maintained by the Central Registration Depository ("CRD").

FINDINGS AND DECISION

After considering the argument and evidence of both the Claimant and Respondent in this matter, the undersigned Arbitrators make the final determination and decision of the issues presented, as set forth below:

A. Decision

1. Respondents shall pay to Claimant the amount of \$33,000.
2. Respondents shall pay all forum fees, as set forth below.
3. The Panel recommends that this proceeding be expunged from Timothy Cecchin's CRD record.

B. Other determinations

1. Respondent shall reimburse Claimant's non-refundable filing fee: ☒ YES ☐ NO
2. Respondent shall reimburse Claimant's hearing session deposit: ☒ YES ☐ NO
3. Parties shall bear their own costs of arbitration: ☒ YES ☐ NO
4. Should this matter be referred to any regulatory organization (SRO or SEC) for disciplinary investigation of rule violations or violation federal securities laws? ☐ YES ☒ NO

C. Forum Fees

The forum fees in the amount of \$7,500.00 are assigned wholly to Respondents, jointly and severally.

Dated: _____

Lester Friedman, Chair

Dated: _____

Leba Wine, Public Arbitrator

Dated: 7/13/05

Richard B. Bullock
Richard Bullock, Industry Arbitrator

FINDINGS AND DECISION

After considering the argument and evidence of both the Claimant and Respondent in this matter, the undersigned Arbitrators make the final determination and decision of the issues presented, as set forth below:

A. Decision

1. Respondents shall pay to Claimant the amount of \$33,000.
2. Respondents shall pay all forum fees, as set forth below.
3. The Panel recommends that this proceeding be expunged from Timothy Cecchin's CRD record.

B. Other determinations

1. Respondent shall reimburse Claimant's non-refundable filing fee: ☒ YES ☐ NO
2. Respondent shall reimburse Claimant's hearing session deposit: ☒ YES ☐ NO
3. Parties shall bear their own costs of arbitration: ☒ YES ☐ NO
4. Should this matter be referred to any regulatory organization (SRO or SEC) for disciplinary investigation of rule violations or violation federal securities laws? ☐ YES ☒ NO

C. Forum Fees

The forum fees in the amount of \$7,500.00 are assigned wholly to Respondents, jointly and severally.

Dated: _____

Lester Friedman, Chair

Dated: 1/14/05

Leba Wine
Leba Wine, Public Arbitrator

Dated: _____

Richard Bullock, Industry Arbitrator

FINDINGS AND DECISION

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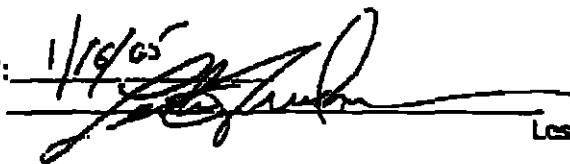
B. Other determinations

1. Respondent shall reimburse Claimant's non-refundable filing fee: ☒ YES
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2. Respondent shall reimburse Claimant's hearing session deposit: ☒ YES
? NO
3. Parties shall bear their own costs of arbitration: ☒ YES
? NO
4. Should this matter be referred to any regulatory organization (SRO or SEC) for disciplinary investigation of rule violations or violation federal securities laws?
? YES ☒ NO

C. Forum Fees

The forum fees in the amount of \$7,500.00 are assigned wholly to Respondents, jointly and severally.

Dated: 1/16/05



Lester Friedman, Chair

Dated: _____
