

**STIPULATED AWARD  
NASD Dispute Resolution**

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In the Matter of the Arbitration Between

Claimant

Lorraine M. Stock

v.

Case Number: 04-00097  
Minneapolis, Minnesota

Respondents

Signator Investors, Inc., and Bennett E. Conklin

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**NATURE OF DISPUTE**

Customer v. Member and Associated Person

**REPRESENTATION OF PARTIES**

Lorraine M. Stock ("Claimant") was represented by Paul J. Roshka, Jr., Esq., Roshka Heyman & DeWulf, PLC, Phoenix, Arizona.

Signator Investors, Inc. ("Signator") was represented by Barry J. Rubenstein, Esq., Morgan, Brown & Joy, LLP, Boston, Massachusetts.

Bennett E. Conklin ("Conklin") was represented by Janet Weinstein Lord, Esq., Fennemore Craig, Phoenix, Arizona.

**CASE INFORMATION**

The Statement of Claim was filed on or about January 7, 2004. The Uniform Submission Agreement of Claimant was signed on or about December 14, 2003.

A Statement of Answer was filed by Respondent, Signator Investors, Inc., on or about March 9, 2004. The Uniform Submission Agreement of Respondent, Signator Investors, Inc., was signed on or about February 20, 2004.

A Statement of Answer was filed by Respondent, Bennett E. Conklin, on or about April 8, 2004. The Uniform Submission Agreement of Respondent, Bennett E. Conklin, was signed on or about March 20, 2004.

**CASE SUMMARY**

Claimant asserted the following causes of action: negligence; misrepresentation; breach of fiduciary duty; omissions and breach of contract. The causes of action related to Claimant's purchase of John Hancock propriety variable annuities through Signator Investors, Inc.

Unless specifically admitted in their Answer, Respondents, Signator Investors, Inc., and Bennett E. Conklin, denied the allegations made in the Statement of Claim and asserted affirmative defenses including the following: the Statement of Claim is barred, in whole or in part, by the applicable statutes of limitations; the Statement of Claim is barred by the doctrines of waiver, laches, and estoppel; the Statement of Claim fails to state a claim upon which relief can be granted; and Claimant is responsible for any harm suffered or loss incurred.

### **RELIEF REQUESTED**

Claimant requested an award in the amount of:

Actual/Compensatory Damages	\$130,000.00
Punitive/Exemplary Damages	Unspecified
Interest	Unspecified
Attorney's Fees	Unspecified
Other Costs	Unspecified
Other Monetary Relief	Unspecified

Respondent, Signator Investors, Inc., requested that the claims asserted against it be denied in their entirety, that it be awarded its costs and attorneys' fees.

Respondent, Bennett E. Conklin, requested that the claims asserted against him be denied in their entirety, that he be awarded his costs and attorneys' fees and that the panel recommend that all references to this matter be expunged from the CRD records of Bennett E. Conklin.

### **OTHER ISSUES CONSIDERED & DECIDED**

On or about December 3, 2004, the parties submitted a Joint Stipulation of Dismissal and Request for the Issuance of a Stipulated Award, wherein Claimants voluntarily agreed to withdraw and dismiss all claims asserted against Respondents.

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 conclusions of law, the undersigned arbitrators order as follows:

1. Claimant's claims, having been withdrawn, are dismissed with prejudice;
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, Bennett E. Conklin's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Conklin 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 attorney fees, is hereby denied 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
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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 person at the time of the events giving rise to the dispute. In this matter, the member firm is Signator Investors, Inc.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00

##### **Forum Fees and Assessments**

The 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:

One (1) Pre-hearing session with Panel x \$1,125.00	= \$ 1,125.00
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Pre-hearing conference: June 15, 2004 1 session

Total Forum Fees = \$ 1,125.00

The panel has assessed \$ 375.00 of the forum fees to Claimant Lorraine M. Stock.

The panel has assessed \$ 375.00 of the forum fees to Respondent, Signator Investors, Inc.

The panel has assessed \$ 375.00 of the forum fees Respondent, Bennett E. Conklin.

Pursuant to NASD Code of Arbitration Procedure Rule 10332(f), Claimant's Hearing Session Deposit of \$750.00 is retained by NASD.

**FEE SUMMARY**

Claimant, Lorraine M. Stock, is liable for:

<u>Initial Filing Fee</u>	= \$ 300.00
<u>Retention of Hearing Session Deposit Per Rule 10332(f)</u>	= \$ 375.00
<u>Forum Fees</u>	= \$ 750.00
<u>Total Fees</u>	= \$1,425.00
<u>Less payments</u>	= \$1,425.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

Respondent, Signator Investors, Inc., is liable for:

<u>Member Fees</u>	= \$5,200.00
<u>Forum Fees</u>	= \$ 375.00
<u>Total Fees</u>	= \$5,575.00
<u>Less payments</u>	= \$5,200.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 375.00

Respondent, Bennett E. Conklin, is liable for:

<u>Forum Fees</u>	= \$ 375.00
<u>Total Fees</u>	= \$ 375.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 375.00

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

**ARBITRATION PANEL**

James A. Lundberg, Esq. - Public Arbitrator, Presiding Chair  
Steven E. Reichert, Esq. - Public Arbitrator  
James R. Olson - Non-Public Arbitrator

Concurring Arbitrators:

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James A. Lundberg, Esq.  
Public Arbitrator, Presiding Chair

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Signature Date

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Steven E. Reichert, Esq.  
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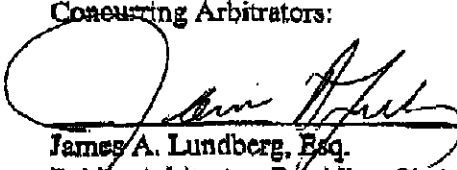
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12/22/04  
Date of Service (For NASD office use only)

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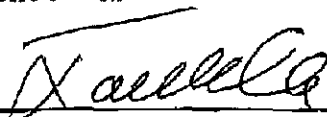
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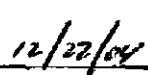
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