
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Martin D. Parlato and Linda K. Parlato, Tenants by Entirety

Case Number: 04-01077

Names of the Respondents

H&R Block Financial Advisors, Inc.
Greg Plancher

Hearing Site: Orlando, Florida

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

REPRESENTATION OF PARTIES

For Martin D. Parlato and Linda K. Parlato, Tenants by Entirety, hereinafter referred to as "Claimant": Scott L. Silver, Esq., Blum, Silver & Schwartz, LLP, Coral Springs, Florida.

For H&R Block Financial Advisors, Inc. ("HRBFA") and Greg Plancher ("Plancher"), hereinafter collectively referred to as "Respondents": Donald P. Wray, Jr., Esq., Office of General Counsel, HRBFA, Detroit, Michigan.

CASE INFORMATION

Statement of Claim filed on or about: February 19, 2004.

Claimant signed the Uniform Submission Agreement: February 16, 2004.

Statement of Answer filed by Respondents on or about: May 21, 2004.

Respondents did not file executed Uniform Submission Agreements.

Amended Statement of Claim filed by Claimant on or about: May 24, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty; unsuitability; and, failure to supervise. The causes of action relate to the purchase in Claimant's account of various unspecified securities, including, among other things, shares of common stocks.

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

RELIEF REQUESTED

Claimant requested compensatory damages of \$6,500,000.00, plus interest at a reasonable rate.

Respondents requested dismissal of the Statement of Claim and that any reference to this claim be expunged

from Respondent Plancher's NASD Central Registration Depository ("CRD") record.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents HRBFA and Plancher did not file with NASD Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code"), and, having answered the claim, are bound by the determination of the Panel on all issues submitted.

On or about December 3, 2004, the parties filed with NASD Dispute Resolution a notice of settlement.

On or about January 18, 2005, the parties filed with NASD Dispute Resolution a proposed Stipulated Award for review and approval by the Panel.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies. The parties have also agreed to receive conformed copies of the Stipulated Award while the original(s) remain on file with NASD Dispute Resolution.

AWARD

After considering the pleadings and the proposed Stipulated Award submitted by the parties, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims, each and all, are dismissed, with prejudice, pursuant to the parties' settlement agreement;
2. The parties shall each bear their own costs and expenses incurred in this matter;
3. The Panel recommends that all references to the above-captioned arbitration be expunged from Respondent Plancher's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Plancher must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
4. Any relief not specifically enumerated 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	= \$ 600.00
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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. Accordingly, Respondent HRBFA is a member firm and a party:

Member surcharge	= \$3,350.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$5,500.00</u>
Total Member Fees	= \$9,600.00

Adjournment Fees

No adjournments were requested in this matter.

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.

No three-day cancellation fees were incurred in this matter.

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 incurred in this matter.

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 the Panel @ \$1,200.00/session	= \$1,200.00
Pre-hearing conference: August 11, 2004 1 session	
<hr/>	
Total Forum Fees	= \$1,200.00

Pursuant to the agreement of the parties, the Panel has assessed the total forum fees of \$1,200.00 to Respondent HRBFA.

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.

No administrative costs were incurred in this matter.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 600.00
<u>Retained Hearing Session Deposit pursuant to Rule 10332(f) of the Code</u>	<u>= \$ 1,200.00</u>
Total Fees	= \$ 1,800.00
<u>Less payments</u>	<u>= \$ 1,700.00</u>
Balance Due NASD Dispute Resolution	= \$ 100.00

Respondent HRBFA is solely liable for:

Member Fees	= \$ 9,600.00
<u>Forum Fees</u>	<u>= \$ 1,200.00</u>
Total Fees	= \$10,800.00
<u>Less payments</u>	<u>= \$ 9,600.00</u>
Balance Due NASD Dispute Resolution	= \$ 1,200.00

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

ARBITRATION PANEL

Robert L. Hudson	-	Public Arbitrator, Presiding Chairperson
Simone Sicola	-	Public Arbitrator
Christopher Mark Aiello	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Robert L. Hudson
Public Arbitrator, Presiding Chairperson

January 26, 2005
Signature Date

/s/
Simone Sicola
Public Arbitrator

January 29, 2005
Signature Date

/s/
Christopher Mark Aiello
Non-Public Arbitrator

January 27, 2005
Signature Date

February 8, 2005
Date of Service (For NASD Dispute Resolution office use only)

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Robert L. Hudson
Public Arbitrator, Presiding Chairperson

1/26/05
Signature Date

Simone Sicola
Public Arbitrator

Signature Date

Christopher Mark Aiello
Non-Public Arbitrator

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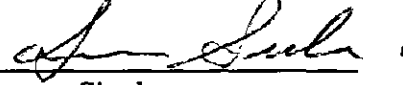
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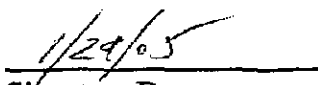
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Robert L. Hudson
Public Arbitrator, Presiding Chairperson

Signature Date



Simone Sicola
Public Arbitrator

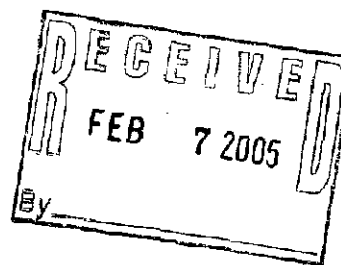


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Non-Public Arbitrator

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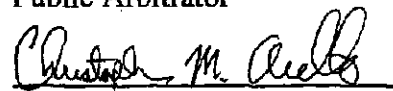
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Public Arbitrator

Signature Date


Christopher Mark Aiello
Non-Public Arbitrator

1/27/05
Signature Date

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