
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Donald Hill
Beverly Ann Hill

Case Number: 06-00464

Name of the Respondent

Kim Kantor

Hearing Site: Tampa, Florida

Nature of the Dispute: Customer vs. Associated Person.

REPRESENTATION OF PARTIES

For Donald Hill and Beverly Ann Hill, hereinafter collectively referred to as "Claimants": Debra G. Speyer, Esq., Law Offices of Debra G. Speyer, Bala Cynwyd, Pennsylvania, Morgan W. Bentley, Esq., Law Offices of Morgan W. Bentley, Newark, New Jersey, and David F. Ennis, Esq., Ennis and Ennis, P.A., Naples, Florida.

For Kim Kantor ("Kantor"), hereinafter referred to as "Respondent": Charles E. Scarlett, Esq., Scarlett & Gucciardo, P.A., Boca Raton, Florida.

CASE INFORMATION

This case was severed from Case No. 05-00232. In that case, the following pleadings were filed:

Statement of Claim filed on or about: January 18, 2005.

Claimants signed the Uniform Submission Agreement: September 8, 2004.

Statement of Answer filed by FSC Securities Corp. ("FSC") on or about: April 4, 2005.

FSC signed the Uniform Submission Agreement: February 8, 2005.

Respondent Kantor did not file a Statement of Answer or executed Uniform Submission Agreement.

Voluntary Dismissal of Respondent Kantor filed by Claimants on or about: March 22, 2005.

No pleadings were filed in Case No. 06-00464.

CASE SUMMARY

Claimants asserted the following causes of action: unsuitability; misrepresentations and omissions; negligence; breach of fiduciary duty; breach of contract; violation of Florida securities laws; secondary liability; violation of state and federal securities laws; failure to supervise; negligent supervision; and, respondeat superior. The causes of action relate to Claimants' investments in, including but not limited to, Manulife Financial Venture Vantage Variable Annuity.

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

RELIEF REQUESTED

Claimants requested:

Statutory rescission damages, exclusive of legal interest:	\$200,000.00
Compensatory damages, plus interest thereon at the legal rate:	\$200,000.00
Disgorgement of all fees and commissions paid, plus legal interest:	Unspecified
Costs, expenses, and disbursements:	Unspecified
Reimbursement of filing and forum fees:	Unspecified
Attorneys' fees:	Unspecified
Other Monetary/Non-Monetary Relief:	Unspecified
Punitive damages:	Unspecified

FSC requested:

Dismissal of all claims against FSC	
Costs and disbursements related to this proceeding:	Unspecified
Attorneys' fees:	Unspecified
Other Monetary/Non-Monetary Relief:	Unspecified
Expungement of Respondent Kantor's NASD Central Registration	
Depository ("CRD") record	

OTHER ISSUES CONSIDERED AND DECIDED

On or about March 22, 2005, Claimants filed with NASD Dispute Resolution a notice of voluntary dismissal of Respondent Kantor, which stated that Respondent Kantor was not the registered representative who recommended the investments at issue in Case No. 05-00232. Claimants further recommended the expungement of Respondent Kantor's NASD CRD record.

On or about May 26, 2005, FSC filed with NASD Dispute Resolution a Motion for Recommendation of Expungement of the Record of Kim Kantor, which contained a request for the Panel to execute the proposed Order directing NASD to expunge any reference to Case No. 05-00232 from the CRD record of Respondent Kantor.

On or about July 1, 2005, the Panel in Case No. 05-00232 entered an Order Recommending Expungement of the Record of Kim Kantor.

On or about December 7, 2005, Respondent Kantor filed a request for the Panel in Case No. 05-00232 to issue an order instructing the NASD to open a separate case for the purpose of expunging her CRD record.

This case was severed from Case No. 05-00232, where FSC requested on behalf of Respondent Kantor, and the Panel granted, immediate expungement of Respondent Kantor's CRD record. The Panel issued the following order:

1. Dismissal with prejudice of the claims against Respondent Kantor;
2. That NASD Dispute Resolution sever FSC's request for expungement on behalf of Respondent Kantor;
3. That NASD Dispute Resolution establish a new case, with a new case number, and with a caption of Donald Hill and Beverly Ann Hill vs. Kim Kantor. This new case should not include any other Respondents from the original case;
4. That the Panel on the underlying case will be assigned to the new case;
5. That the associated person pay a \$250.00 filing fee within 30 days in order for NASD Dispute Resolution to process the expungement;
6. That the provisions of Rule 10314, 10308, and 10321 of the NASD Code of Arbitration Procedure (the "Code") do not apply; and,
7. That the customers do not have to file an answer to this new claim.

AWARD

After considering the pleadings and the request for expungement, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent Kantor was dismissed from Case No. 05-00232, with prejudice.
- 2) The Panel recommends the expungement of all references to Case No. 05-00232 and the above captioned arbitration from Respondent Kantor's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notice to Members 04-16, Respondent Kantor must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130, the arbitration panel has made the following affirmative findings of fact:

The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds.

- 3) The Panel directs Claimants and their counsel to cooperate and take all actions necessary so that Respondent may obtain confirmation of the expungement order from a court of competent jurisdiction.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees:

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

Filing fee	\$ 250.00
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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.

There were no member fees assessed during these proceedings.

Adjournment Fees:

There were no adjournment fees assessed during these proceedings.

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 or each decision rendered on a discovery-related motion on the papers. 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:

There were no forum fees assessed during these proceedings.

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

Respondent Kantor is solely liable for:

<u>Filing Fee</u>	<u>\$ 250.00</u>
<u>Total Fees</u>	<u>\$ 250.00</u>
<u>Less Payments</u>	<u>\$ 250.00</u>
Balance Due NASD Dispute Resolution	\$ 0.00

ARBITRATION PANEL

Jeffrey R. Feller, J.D.	-	Public Arbitrator, Presiding Chairperson
John P. Cullem, Esq.	-	Public Arbitrator
Mark M. Mercier	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Jeffrey R. Feller, J.D.
Public Arbitrator, Presiding Chairperson

Signature Date

_____/s/_____
John P. Cullem, Esq.
Public Arbitrator

2/24/06
Signature Date

_____/s/_____
Mark M. Mercier
Non-Public Arbitrator

2/24/06
Signature Date

2/24/06

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

There were no administrative costs incurred during these proceedings.

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Public Arbitrator, Presiding Chairperson

Signature Date



John P. Cullem, Esq.
Public Arbitrator

2/24/2021

Signature Date

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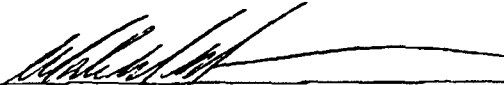
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