

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Name of the Claimant
Irene Burke

Case Number: 06-01362

Names of Respondents
Signator Investors, Inc. f/k/a
John Hancock Distributors, Inc.
Princor Financial Service Corporation
National Planning Corporation

Hearing Site: Boca Raton, Florida

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

For Irene Burke, hereinafter referred to as "Claimant": Gregory Tendrich, Esq., Gregory Tendrich, P.A., Boca Raton, Florida and Robert H. Rex, Esq., Dickenson, Murphy, Rex and Sloan, Boca Raton, Florida.

For Signator Investors, Inc., f/k/a John Hancock Distributors, Inc., hereinafter referred to as "Respondent Signator": Katherine C. Lake, Esq., Fowler White Boggs Banker, Tampa, Florida.

For Princor Financial Service Corporation, hereinafter referred to as "Respondent Princor": Kenneth M. Kolaski, Esq. and Valerie Brand Pipano, Esq., Reed Smith, LLP, Philadelphia, Pennsylvania.

For National Planning Corporation, hereinafter referred to as "Respondent National Planning": Frank Rodriguez, Esq., Rodriguez Tramont Guerra & Nunez, P.A., Coral Gables, Florida.

CASE INFORMATION

Statement of Claim filed on or about: March 16, 2006.

Claimant signed the Uniform Submission Agreement: March 11, 2006.

Amended Statement of Claim filed on or about: May 24, 2006.

Answer/Motion to Dismiss based on NASD Rule 10304 filed by Respondent Signator on or about: June 5, 2006.

Motion to Dismiss for Lack of Jurisdiction and Memorandum of Law filed by Respondent Princor on or about: June 28, 2006.

Motion to Dismiss for Lack of Eligibility to Arbitrate Pursuant to NASD Rule 10304 and Memorandum of Law filed by Respondent Princor on or about: June 28, 2006.

Answer to Statement of Claim and Amended Statement of Claim filed by Respondent Princor on or about: June 28, 2006.

Motion to Dismiss, Motion for More Definite Statement, Answer and Affirmative

Defenses filed by Respondent National Planning on or about: July 19, 2006.
Amended Motion to Dismiss, Motion for More Definite Statement, Answer and Affirmative Defenses filed by Respondent National Planning on or about: August 7, 2006.

Claimant's Response to Respondent Signator, Princor and National Planning's Motions to Dismiss filed on or about August 25, 2006.

Reply in Support of Its Motion to Dismiss Based on NASD Rule 10304 filed by Respondent Signator on or about: September 14, 2006.

Reply in Support of Motion to Dismiss for Lack of Jurisdiction and Lack of Eligibility to Arbitrate Pursuant to NASD Rule 10304 filed by Respondent Princor on or about: September 15, 2006.

Reply to Claimant's Response to various pending Motions to Dismiss filed by Respondent National Planning on or about: September 15, 2006.

Respondent Signator did not file an executed Uniform Submission Agreement.

Respondent Princor did not file an executed Uniform Submission Agreement.

Respondent National Planning did not file an executed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: negligence; breach of fiduciary duty; negligent failure to supervise; misrepresentation; and, omission of facts. The causes of action relate to Claimant's purchase of an alleged private annuity.

Unless specifically admitted in their respective Answers, Respondents Signator, Princor and National Planning denied the allegations made in the Statement of Claim, as amended, and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$250,000.00; attorneys' fees; costs; expenses; disbursements, including expert witness fees; and, such other relief as the undersigned arbitrators (the "Panel") deemed just and proper.

Respondent Signator requested dismissal of the Statement of Claim, as amended; that the Panel find that Claimant's claims are ineligible for arbitration before the NASD; and, that Claimant's claims are barred by applicable statute of limitations.

Respondent Princor requested that the Panel dismiss all Claimant's claims with prejudice and enter judgment in their favor. Additionally, Respondent Princor requested an award of attorneys' fees; costs; and, such other and further relief as the Panel deemed appropriate.

Respondent National Planning requested that the Statement of Claim be dismissed or, alternatively, that Claimant be required to provide a more definite Statement of Claim; and, such other relief as the Panel deemed appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Signator, Princor and National Planning did not file with NASD Dispute Resolution ("NASD") properly executed Uniform Submission Agreements 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 October 3, 2006, the parties notified NASD that Claimant had settled her claims and dismissed, with prejudice, Respondents Princor and National Planning.

On or about October 4, 2006, the Panel conducted a telephonic pre-hearing conference with Claimant and Respondent Signator to hear oral argument on Respondent Signator's Motion to Dismiss. On or about October 9, 2006, the Panel issued an Order granting Respondent Signator's Motion to Dismiss.

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.

AWARD

After considering the pleadings, the testimony and evidence presented at the telephonic pre-hearing on October 4, 2006, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's claims against Respondent Signator are dismissed with prejudice.

Any and all claims for relief not specifically addressed herein, including Claimant's and Respondent Princor's requests for attorneys' fees, are denied.

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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent Signator is a member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

Accordingly, Respondent Princor is a member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

Accordingly, Respondent National Planning is a member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred 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 or each decision rendered on a discovery-related motion on the papers. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with the Panel @ \$1,125.00/session	= \$2,250.00
Pre-hearing conferences:	
July 27, 2006	1 session
October 4, 2006	1 session

Total Forum Fees	= \$2,250.00
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The Panel has assessed \$1125.00 of the forum fees to Claimant.

The Panel has assessed \$375.00 of the forum fees to Respondent Signator.

The Panel has assessed \$375.00 of the forum fees to Respondent Prncor.
The Panel has assessed \$375.00 of the forum fees to Respondent National Planning.

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	= \$ 300.00
Forum Fees	= \$1,125.00
Total Fees	= \$1,425.00
Less payments	= \$1,425.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Signator is solely liable for:

Member Fees	= \$5,200.00
Forum Fees	= \$ 375.00
Total Fees	= \$5,575.00
Less payments	= \$5,575.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Prncor is solely liable for:

Member Fees	= \$5,200.00
Forum Fees	= \$ 375.00
Total Fees	= \$5,575.00
Less payments	= \$2,450.00
Balance Due NASD Dispute Resolution	= \$3,125.00

Respondent National Planning is solely liable for:

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

Lisa Marie Macci, Esq.	-	Public Arbitrator, Presiding Chairperson
Jay L. Valinsky, Esq.	-	Public Arbitrator
Paul A. Holmes	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

Lisa Marie Macci, Esq.
Public Arbitrator, Presiding Chairperson

October 13, 2006

Signature Date

/s/

Jay L. Valinsky, Esq.
Public Arbitrator

October 13, 2006

Signature Date

/s/

Paul A. Holmes
Non-Public Arbitrator

October 16, 2006

Signature Date

October 16, 2006

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

Oct. 11. 2006 2:49PM
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No. 3241 P. 8/8

Concurring Arbitrators' Signatures

Lisa Marie Maccl, Esq.
Public Arbitrator, Presiding Chairperson

10/13/06
Signature Date

Jay L. Valinsky, Esq.
Public Arbitrator

Signature Date

Paul A. Holmes
Non-Public Arbitrator

Signature Date

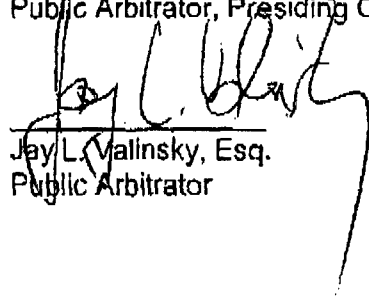
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Oct. 11. 2006 2:45 PM
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No. 3239 P. 8

Concurring Arbitrators' Signatures

Lisa Marie Macci, Esq.
Public Arbitrator, Presiding Chairperson



Jay L. Vallinsky, Esq.
Public Arbitrator

Signature Date



10/13/06
Signature Date

Paul A. Holmes
Non-Public Arbitrator

Signature Date

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

Oct 16 06 08:15a

Oct 11, 2006, 2:41 PM

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Concurring Arbitrators' Signatures

Lisa Marie MacCI, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Jay L. Valinsky, Esq.
Public Arbitrator

Signature Date



Paul A. Holmes
Non-Public Arbitrator

10/16/06

Signature Date

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