

AWARD
FINRA DISPUTE RESOLUTION

CASE #: 13-02829

Joel Levine (Claimant) vs. Anthony John Fisher (Respondent)

REPRESENTATION OF PARTIES:

For Claimant Joel Levine: Randall C. Place, Esq. and Sara E. Hanley, Esq., Place and Hanley, LLC, Naples, Florida.

Respondent Anthony John Fisher did not enter an appearance in this matter.

NATURE OF DISPUTE: Customer vs. Associated Person

Statement of Claim filed on or about: September 23, 2013.

CASE SUMMARY: Claimant asserted the following causes of action: violation of industry rules including FINRA Rule 2310 - customer suitability standard, NASD Rule 3030 - failure to disclose outside business activities, NASD Rule 3040 - selling away, breach of contract, breach of fiduciary duty, common law fraud, and negligence.

The causes of action relate to AGU Entertainment Corp., Cardiac Network, Inc. and Tube Media Corp.

RELIEF REQUESTED: In the Statement of Claim, Claimant requested:

Compensatory Damages:	\$ 30,595.00
Punitive Damages:	\$ 19,405.00
Interest:	Legal Rate
Costs:	Unspecified
Other:	Rescission

AWARD: The undersigned Arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable for and shall pay to the Claimant compensatory damages in the amount of \$30,595.00 plus interest at the rate of 4.75% per annum from March 21, 2014 until the award is paid in full. 2) Respondent is liable for and shall pay to Claimant punitive damages in the amount of \$19,405.00. The Arbitrator awarded punitive damages pursuant to Fla. Stat. 768.73: Intentional Misconduct & Gross Negligence. The investments were clearly unsuitable and too risky for an elderly, inexperienced investor. 3) All other relief requests are denied. 4) FINRA Dispute Resolution shall retain the \$600.00 filing fee that the Claimant deposited previously. 5) Respondent is liable for and shall pay to Claimant \$600.00 to reimburse Claimant for the filing fee previously paid to FINRA Dispute Resolution.

OTHER FEES: Stifel, Nicolaus & Co., Inc. has paid to FINRA Dispute Resolution the \$875.00 Member Surcharge previously invoiced and has been assessed the \$750.00 Pre-hearing Processing Fee.

Morgan Stanley has paid to FINRA Dispute Resolution the \$875.00 Member Surcharge and \$750.00 Pre-hearing Processing Fee previously invoiced.

OTHER ISSUES: The Arbitrator determined that Respondent Anthony John Fisher was served notice of the Statement of Claim, Overdue Notice and Notification of Arbitrator by regular mail, and is therefore bound by the arbitrator's ruling and determination.

The Arbitrator acknowledges that she has read the pleadings and other materials filed by the parties.

ARBITRATOR

Alyson R. Dachelet

Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument which is my award.

Arbitrator's Signature



Alyson R. Dachelet
Sole Public Arbitrator



Signature Date

April 24, 2014

Date of Service (For FINRA-DR office use only)