

**Award
FINRA Dispute Resolution**

In the Matter of the Arbitration Between:

Claimant
The Adventure Group Revocable Living

Case Number: 14-03606

vs.

Respondent
Lawson Financial Corporation

Hearing Site: Tampa, Florida

Nature of the Dispute: Customer vs. Member

REPRESENTATION OF PARTIES

For Claimant The Adventure Group Revocable Living: Jonathan Kurta, Esq. and Marc Fitapelli, Esq., Fitapelli Kurta, New York, New York.

For Respondent Lawson Financial Corporation: Daniel P. Dietrich, Esq. and William J. Schifino, Esq., Burr & Forman LLP, Tampa, Florida.

CASE INFORMATION

Statement of Claim filed on or about: November 24, 2014.
The Adventure Group Revocable Living signed the Submission Agreement: November 24, 2014.

Statement of Answer filed by Respondent on or about: January 30, 2015.
Lawson Financial Corporation signed the Submission Agreement: January 15, 2015.

CASE SUMMARY

Claimant asserted the following causes of action: suitability, breach of fiduciary duty, common law fraud, misrepresentation, omission of facts, breach of contract, violation of Florida Securities Act and negligent supervision.

The causes of action relate to the sale of a tenant-in-common private placement investment.

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

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages not less than \$1,000,000.00 or, in the alternative, rescission of the securities real estate related private placement at issue; punitive damages in the amount of \$2,000,000.00; interest and attorneys' fees pursuant to Chapter 517 of the Florida Statutes; pre-judgment interest; costs; filing and forum fees incurred herein, and for such other and further relief which this Panel deems just and proper under the circumstances.

Respondent requested dismissal of this action in its entirety with prejudice, expungement, costs and attorneys' fees, and any other relief that the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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

On or about May 28, 2016, Respondent filed a Motion for Sanctions. On or about June 8, 2016, Claimant opposed Respondent's Motion for Sanctions. On or about June 15, 2016, Respondent filed a Reply in Support of its Motion for Sanctions. After due consideration, the Panel denied Respondent's Motion for Sanctions.

At the hearing on June 6, 2016, and prior to Claimant's case-in-chief, Respondent filed a Motion to Dismiss. The Panel decided to defer ruling on Respondent's Motion to Dismiss until the conclusion of the hearing.

On June 7, 2016, the parties agreed to proceed with Arbitrator Roger Benson as the sole arbitrator, pursuant to FINRA Rule 12401(c).

At the conclusion of the case, Arbitrator Benson denied Respondent's Motion to Dismiss.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay to Claimant compensatory damages in the amount \$523,616.62.
2. Any and all relief not specifically addressed herein, including punitive damages, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

FINRA Dispute Resolution assessed a filing fee* for each claim:

Initial Claim Filing Fee =\$ 1,800.00

**The filing fee is made up of a non-refundable and a refundable portion.*

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, as a party, Lawson Financial Corporation is assessed the following:

Member Surcharge	=\$ 2,800.00
Pre-Hearing Processing Fee	=\$ 750.00
Hearing Processing Fee	=\$ 5,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

February 23-26, 2016, adjournment by parties WAIVED

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:

February 23-26, 2016, adjournment by parties WAIVED

Discovery-Related Motion Fees

Fees apply for each decision rendered on a discovery-related motion.

Three (3) Decisions on discovery-related motions on the papers
with one (1) arbitrator @ \$200.00 =\$ 600.00

Claimant submitted one (1) discovery-related motion

Respondent submitted two (2) discovery-related motions

Total Discovery-Related Motion Fees =\$ 600.00

1. The Arbitrator has assessed \$200.00 of the Discovery-Related Motion Fees to Claimant.
2. The Arbitrator has assessed \$400.00 of the Discovery-Related Motion Fees to Respondent.

Contested Motion for Issuance of a Subpoena Fees

Fees apply for each decision on a contested motion for the issuance of a subpoena.

One (1) Decision on a contested motion for the issuance of a subpoena	
One (1) arbitrator @ \$200.00	= \$ 200.00
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Total Contested Motion for Issuance of Subpoenas Fees	= \$ 200.00

The Arbitrator has assessed \$200.00 of the Contested Motion for Issuance of Subpoenas Fees to Respondent.

Hearing Session Fees and Assessments

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator @ \$450.00/session	= \$ 450.00
Pre-hearing conference: January 8, 2016 1 session	
Three (3) Pre-hearing sessions with the Panel @ \$1,200.00/session	= \$ 3,600.00
Pre-hearing conferences: May 12, 2015 1 session	
July 17, 2015 1 session	
February 19, 2016 1 session	
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Three (3) Hearing sessions with Panel @ \$1,200.00/session	= \$ 3,600.00
Hearing Dates: June 6, 2016 2 sessions	
June 7, 2016 1 session	
Five (5) Hearing sessions with a single arbitrator @ \$450.00/session	= \$ 2,250.00
Hearing Dates: June 7, 2016 1 session	
June 8, 2016 2 sessions	
June 9, 2016 2 sessions	
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Total Hearing Session Fees	= \$ 9,900.00

The Arbitrator has assessed the \$9,900.00 of the hearing session fees to Respondent.

All balances are payable to FINRA Dispute Resolution and are due upon receipt.

ARBITRATOR

Roger C. Benson

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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

/S/ROGER C. BENSON rcb

Roger C. Benson
Sole Public Arbitrator

07/19/2016

Signature Date

July 27, 2016

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