

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Bradford M. Kittle

Case Number: 19-03519

vs.

Respondent
National Securities Corporation

Hearing Site: Birmingham, Alabama

Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Customer vs. Member

This case was decided by a majority-public panel.

REPRESENTATION OF PARTIES

For Claimant Bradford M. Kittle (“Claimant”): Jonathan E. Neuman, Esq., Fresh Meadows, New York.

For Respondent National Securities Corporation (“Respondent”): Fred N. Knopf, Esq., National Securities Corporation, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: November 26, 2019.
Claimant signed the Submission Agreement: September 28, 2019.

Statement of Answer filed by Respondent on or about: January 14, 2020.
National Securities Corporation signed the Submission Agreement: January 14, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: fraud; negligent misrepresentation; breach of fiduciary duty; breach of the covenants of good faith and fair dealing; negligent supervision; breach of conduct; violation of Section 20 of the 1934 Act; and respondeat superior. The causes of action relate to investments in Innovative Holdings QP LLC Lyft Series and Sunstone Income Apartments.

Unless specifically admitted in the Statement of 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:

1. Compensatory damages in the amount of \$150,000.00, or an amount as shall be established at the hearing; and
2. Costs.

In the Statement of Answer, Respondent requested:

1. The Statement of Claim be dismissed with prejudice;
2. Such other relief as the Panel deems just, equitable and proper, including the award of all forum fees, costs, expert fees, and attorneys' fees.

At the hearing, Claimant requested compensatory damages in the amount \$543,000.00.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

During the evidentiary hearing on July 20, 2021, Respondent moved for dismissal of Claimant's claims prior to the conclusion of Claimant's case-in-chief. Claimant objected. The Panel denied the motion and found that the case merited arbitration based on the evidence.

The Award in this matter may be executed in counterpart copies.

AWARD

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

1. Claimant's claims are denied in their entirety.
2. Any and all claims for relief not specifically addressed herein, including attorneys' fees, are denied.

FEES

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

Filing Fees

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

Initial Claim Filing Fee	= \$	1,425.00
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**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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	= \$	1,700.00
Member Process Fee	= \$	3,250.00

Hearing Session Fees and Assessments

The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrator(s), including a pre-hearing conference with the Arbitrator(s), which 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: March 18, 2020	1 session	
November 19, 2020	1 session	
Three (3) hearing sessions with the Panel @ \$1,125.00/session	= \$	3,375.00
Hearings: July 20, 2021	2 sessions	
July 21, 2021	1 session	
Total Hearing Session Fees	= \$	5,625.00

The Panel has assessed \$2,812.50 of the hearing session fees to Claimant.

The Panel has assessed \$2,812.50 of the hearing session fees to Respondent.

ARBITRATION PANEL

Marvin Kent Speigner, Jr.	-	Public Arbitrator, Presiding Chairperson
J. Wesley Romine, Jr.	-	Public Arbitrator
Emily Sides Bonds	-	Non-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.

Concurring Arbitrators' Signatures

Marvin Kent Speigner, Jr.

Marvin Kent Speigner, Jr.
Public Arbitrator, Presiding Chairperson

08/03/2021

Signature Date

J. Wesley Romine, Jr.

J. Wesley Romine, Jr.
Public Arbitrator

08/03/2021

Signature Date

Emily Sides Bonds

Emily Sides Bonds
Non-Public Arbitrator

08/03/2021

Signature Date

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August 04, 2021

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