

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimant  
Mark Apolenis

Case Number: 20-00848

vs.

Respondent  
Renee R. Kremm

Hearing Site: Baltimore, Maryland

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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: Associated Person vs. Associated Person

The evidentiary hearing was conducted by videoconference.

**REPRESENTATION OF PARTIES**

For Claimant Mark Apolenis (“Claimant”): George S. Mahaffey, Jr., Esq. and Christopher M. Corchiarino, Esq., Goodell, DeVries, Leech & Dann, LLP, Baltimore, Maryland.

For Respondent Renee R. Kremm (“Respondent”): Blerina Jesari, Esq. and Dennis E. Boyle, Esq., Dennis E. Boyle, Attorney at Law, Washington, District of Columbia.

**CASE INFORMATION**

Statement of Claim filed on or about: March 13, 2020.

Claimant signed the Submission Agreement: March 13, 2020.

Statement of Answer filed on or about: June 3, 2020.

Respondent signed the Submission Agreement: June 3, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted the following causes of action: breach of contract, tortious interference with contract, and tortious interference with economic relations. The causes of action related to Claimant’s allegation that Respondent violated the terms of contracts related to his purchase of two books of business from Respondent.

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 an award of compensatory damages in excess of \$300,000.00, pre-judgment and post-judgment interest, costs of this arbitration, reasonable attorneys' fees and expenses, and such other relief as the Panel deems just and proper.

In the Statement of Answer, Respondent requested that the claims asserted in the Statement of Claim be denied, that all costs be assessed to Claimant, and any further relief as determined by the Panel.

In the Closing Brief, Claimant requested damages that fall within a range between \$149,720.00, \$177,470.00, and \$268,234.64.

In the written Closing Statement, Respondent requested that Claimant be awarded nothing, \$65,000.00 in attorneys' fees, and that Claimant bear the costs of all hearing sessions.

### **OTHER ISSUES CONSIDERED AND DECIDED**

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

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

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, and any post-hearing submissions, 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 any requests for punitive damages, treble damages, and 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, Respondent's former firm, NYLIFE Securities LLC is assessed the following:

Member Surcharge	= \$	1,900.00
Member Process Fee	= \$	3,750.00

**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) hearing sessions @ \$1,125.00/session	= \$	2,250.00
Hearing: May 11, 2021	2 sessions	
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Total Hearing Session Fees	= \$	2,250.00

The Panel has assessed \$1,125.00 of the hearing session fees to Claimant.

The Panel has assessed \$1,125.00 of the hearing session fees to Respondent.

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

**ARBITRATION PANEL**

James Drew Butler	-	Public Arbitrator, Presiding Chairperson
Bruce Burr McElvein	-	Public Arbitrator
Charles Lerner	-	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**

***James Drew Butler***

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James Drew Butler  
Public Arbitrator, Presiding Chairperson

***05/22/2021***

\_\_\_\_\_  
Signature Date

***Bruce Burr McElvein***

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Bruce Burr McElvein  
Public Arbitrator

***05/21/2021***

\_\_\_\_\_  
Signature Date

***Charles Lerner***

\_\_\_\_\_  
Charles Lerner  
Non-Public Arbitrator

***05/22/2021***

\_\_\_\_\_  
Signature Date

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May 24, 2021

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