

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant/Counter-Respondent
Grace S. Huitt

Case Number: 16-00226

vs.

Respondent/Counter-Claimant
Wilbanks Securities, Inc.

Hearing Site: Salt Lake City, Utah

Nature of the Dispute: Customer vs. Member

This case was decided by an all-public panel.

REPRESENTATION OF PARTIES

For Claimant/Counter-Respondent Grace S. Huitt, hereinafter referred to as "Claimant":
Marc Fitapelli, Esq. and Jonathan Kurta, Esq., Fitapelli Kurta, New York, New York

For Respondent/Counter-Claimant Wilbanks Securities, Inc., hereinafter referred to as
"Respondent": Aaron B. Wilbanks, President, CEO, Wilbanks Securities, Inc., Oklahoma
City, Oklahoma

CASE INFORMATION

Statement of Claim filed on: January 22, 2016

Statement of Answer to the Counterclaim filed on or about: March 25, 2016

Amended Statement of Claim filed on or about: April 8, 2016

Claimant signed the Submission Agreement: January 22, 2016

Statement of Answer and Counterclaim filed by Respondent on or about: March 22,
2016

Statement of Answer to the Amended Statement of Claim filed on or about: April 28,
2016

Respondent signed the Submission Agreement: April 7, 2016

CASE SUMMARY

Claimant asserted the following causes of action in the Statements of Claim: common law fraud, breach of contract, negligent supervision, breach of fiduciary duty, and violation of the Colorado Securities Act. The causes of action relate to Claimant's investment in an ING Landmark Variable Annuity.

Unless specifically admitted in the Statements of Answer, Respondent denied the allegations made in the Statements of Claim and asserted various affirmative defenses. In its Counterclaim, Respondent asserted that Claimant filed ineligible and time-barred causes of action which, it alleged, is an abuse of process.

Unless specifically admitted in the Statement of Answer, Claimant denied the allegations made in the Counterclaim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statements of Claim, Claimant requested:

1. Net out-of-pocket losses that total \$600,000.00;
2. Punitive damages;
3. Pre-judgment interest, attorneys' fees and costs, filing and forum fees incurred herein; and
4. Such other and further relief which this Panel deems just and proper under the circumstances.

In her Statement of Answer to the Counterclaim, Claimant requested:

1. Dismissal of the Counterclaim;
2. Costs, attorneys' fees and disbursements; and
3. Such other and further relief as the Panel deems just and proper.

In the Statements of Answer and Counterclaim, Respondent requested:

1. Claimant's claims be dismissed in full;
2. Costs and attorneys' fees related to the defense of this claim;
3. Forum fees;
4. Fees associated with preparing the production of mandated discovery documents; and
5. Such other and further relief for which the Respondent may show itself to be justly entitled.

At the close of the hearing, Claimant requested:

1. Compensatory damages in the amount of \$882,612.21 (which includes pre-award interest in the amount of \$261,896.84);
2. Punitive damages in the amount of \$1,765,224.41; and
3. Attorneys' fees in the amount of \$50,000.00.

OTHER ISSUES CONSIDERED AND DECIDED

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

On April 8, 2016, Claimant filed an Amended Statement of Claim. Since Claimant filed the claim before the Panel's appointment, pursuant to the Code of Arbitration Procedure ("Code") Rule 12309(a), the Amended Statement of Claim became part of the record.

On September 29, 2016, Respondent submitted a Motion to Dismiss. On October 31, 2016, Claimant submitted a response opposing Respondent's motion. By Order dated

October 5, 2016, the Panel advised the parties that they would determine the Motion to Dismiss at the evidentiary hearing. On March 2, 2017, Respondent submitted a motion requesting, among other things, to telephonically hear Respondent's Motion to Dismiss. On March 7, 2017, Claimant submitted a response that addressed Respondent's other requests but did not specifically address this issue. By Order dated March 10, 2017, the Panel denied Respondent's motion to telephonically hear its Motion to Dismiss. After hearing the parties present all arguments and evidence at the evidentiary hearing, the Panel has found that Respondent's conduct which is the subject of the arbitration continued from 2008 to within six years of the date of filing of the Statement of Claim.

The Statement of Answer and Counterclaim, Statement of Answer to the Amended Statement of Claim, and Motion to Dismiss were filed by counsel who withdrew from representing Respondent on March 8, 2017.

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 hearing, and the post-hearing submissions, the Panel 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 of \$536,720.00.
2. Respondent is liable for and shall pay to Claimant punitive damages in the amount of \$536,720.00, pursuant to 23 OK Stat. § 23-9.1 (2016).
3. Respondent is liable for and shall pay to Claimant interest on the above-stated amounts totaling \$1,073,440.00 at the rate of 8% compounded annually from the date the award is served until the amount of \$1,073,440.00 is paid in full.
4. Respondent's Counterclaim is denied in its entirety.
5. Respondent and Claimant's requests for attorneys' fees are denied.
6. Any and all claims for relief not specifically addressed herein are denied.

FEES

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

Filing Fees

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

Initial Claim Filing Fee	= \$ 1,725.00
Counterclaim Filing Fee	= \$ 1,700.00

**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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Wilbanks Securities, Inc. is assessed the following:

Member Surcharge	= \$ 2,475.00
Member Process Fee	= \$ 5,075.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed or waived:

December 13 - 16, 2016, adjournment by Respondent	= WAIVED
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Total Adjournment Fees	= WAIVED
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Last Minute Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within ten calendar days before the start of a scheduled hearing session:

December 7, 2016, adjournment by Respondent	= \$ 1,800.00
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Total Last Minute Cancellation Fees	= \$ 1,800.00
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The Panel has assessed \$1,800.00 of the last minute cancellation fees to Respondent

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), that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions with the Panel @ \$1,300.00/session	= \$ 2,600.00
Pre-hearing conferences: May 26, 2016	1 session
December 15, 2016	1 session

Five (5) hearing sessions @ \$1,300.00/session	= \$ 6,500.00
Hearing Dates: March 14, 2017	2 sessions
March 15, 2017	2 sessions
March 16, 2017	1 session

Total Hearing Session Fees	= \$ 9,100.00
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The Panel has assessed \$650.00 of the hearing session fees to Claimant.
The Panel has assessed \$8,450.00 of the hearing session fees to Respondent.

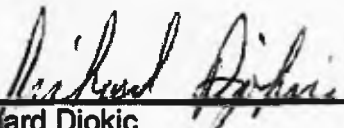
All balances are payable to FINRA Office of Dispute Resolution and are due upon receipt.

ARBITRATION PANEL

Richard Djokic	-	Public Arbitrator, Presiding Chairperson
George J. Karlsven, Jr.	-	Public Arbitrator
Knute Arthur Rife	-	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



Richard Djokic
Public Arbitrator, Presiding Chairperson



Signature Date

George J. Karlsven, Jr.
Public Arbitrator

Signature Date

Knute Arthur Rife
Public Arbitrator

Signature Date

April 13, 2017
Date of Service (For FINRA Office of Dispute Resolution office use only)

ARBITRATION PANEL

Richard Djokic	-	Public Arbitrator, Presiding Chairperson
George J. Karlsven, Jr.	-	Public Arbitrator
Knute Arthur Rife	-	Public Arbitrator

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Concurring Arbitrators' Signatures

Richard Djokic
Public Arbitrator, Presiding Chairperson

Signature Date

George J Karlsven, Jr

George J. Karlsven, Jr.
Public Arbitrator

April 12, 2017
Signature Date

Knute Arthur Rife
Public Arbitrator

Signature Date

April 13, 2017

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

ARBITRATION PANEL

Richard Djokic	-	Public Arbitrator, Presiding Chairperson
George J. Karlsven, Jr.	-	Public Arbitrator
Knute Arthur Rife	-	Public Arbitrator

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Concurring Arbitrators' Signatures

Richard Djokic
Public Arbitrator, Presiding Chairperson

Signature Date

George J. Karlsven, Jr.
Public Arbitrator

Signature Date



Knute Arthur Rife
Public Arbitrator

11 April 2017
Signature Date

April 13, 2017
Date of Service (For FINRA Office of Dispute Resolution office use only)