

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Reinhold Kunze

Case Number: 21-01192

vs.

Respondent
Myles William Easter

Hearing Site: Des Moines, Iowa

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. Associated Person

This case was administered under the Special Proceeding option for simplified cases.

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Reinhold Kunze (“Claimant”): Thomas S. Reavely, Esq., Whitfield & Eddy, P.L.C., Des Moines, Iowa.

For Respondent Myles William Easter (“Respondent”): Mark W. Thomas, Esq., Greffe & Sidney, P.L.C., Des Moines, Iowa.

CASE INFORMATION

Statement of Claim filed on or about: May 7, 2021.

Claimant signed the Submission Agreement: May 6, 2021.

Statement of Answer filed on or about: June 29, 2021.

Respondent signed the Submission Agreement: June 9, 2021.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following cause of action: misrepresentation. The cause of action related to the surrender of AXA annuity contracts and purchase of annuities from Respondent, which Claimant asserted resulted in the loss of guaranteed retirement income.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages, interest, punitive damages, and attorneys' fees, and elected to request \$50,000.00 or less in damages to proceed under Rule 12800 of the Code of Arbitration Procedure ("Code").

In the Statement of Answer, Respondent did not request relief.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and any 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 the sum of \$30,000.00 in compensatory damages.
2. Respondent is liable for and shall pay to Claimant the sum of \$150.00 to reimburse Claimant for the non-refundable portion of the filing fee previously paid to FINRA Dispute Resolution Services.
3. Interest is awarded pursuant to Rule 12904(j) of the Code.
4. 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, the following fees are assessed:

Filing Fees

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

Initial Claim Filing Fee	= \$	600.00
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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 Respondent's firm, Bankers Life Securities, Inc. is assessed the following:

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

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

Two (2) pre-hearing sessions @ \$450.00/session	= \$	900.00
Pre-Hearing Conferences: August 16, 2021	1 session	
January 7, 2022	1 session	
Two (2) hearing sessions @ \$450.00/session	= \$	900.00
Hearing: January 20, 2022	2 sessions	
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Total Hearing Session Fees	= \$	1,800.00

The Arbitrator has assessed the total hearing session fees to Respondent.

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

ARBITRATOR

Leo G. Stern

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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

Leo G. Stern

Leo G. Stern
Sole Public Arbitrator

01/28/2022

Signature Date

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.

January 28, 2022

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