

**Award
FINRA Dispute Resolution**

In the Matter of the Arbitration Between:

Claimant

Joseph Bourland, individually, and as Trustee of
the Joseph H. Bourland Family Trust

Case Number: 11-03804

vs.

Respondents

Joan Edwina Flam
Peter Charles Johnson
Professional Asset Management, Inc.
Questar Capital Corporation
Donald Samuel Meredith
Concorde Investment Services, LLC

Hearing Site: Boise, Idaho

Nature of the Dispute: Customer vs. Members and Associated Persons

The case proceeded under the Optional All Public Panel Rule/All Public Panel.

REPRESENTATION OF PARTIES

For Claimant Joseph Bourland, individually, and as Trustee of the Joseph H. Bourland Family Trust, hereinafter referred to as "Claimant": Robert L. Gonser, Esq., Hunsucker Goodstein PC, Lafayette, California; and Daniel A. Bakondi, Esq., The Law Office of Daniel A. Bakondi, APLC, San Francisco, California.

For Respondents Joan Edwina Flam ("Flam"), Peter Charles Johnson ("Johnson"), and Professional Asset Management, Inc. ("PAM"): Jonathan D. Sweik, Esq., Hertz Schram, P.C., Bloomfield Hills, Michigan.

For Respondent Questar Capital Corporation ("Questar"): Jesse Linebaugh, Esq., Faegre Baker Daniels LLP, Des Moines, Iowa.

For Respondent Donald Samuel Meredith ("Meredith"): Gerard J. Kowalski, Esq., Marshall, Dennehey, Warner, Coleman & Goggin, P.C., Philadelphia, Pennsylvania.

For Respondent Concorde Investment Services, LLC: Andrew W. Davitt, Esq., Marshall, Dennehey, Warner, Coleman & Goggin, P.C., Philadelphia, Pennsylvania.

CASE INFORMATION

Statement of Claim filed on or about: September 29, 2011.

Amended Statement of Claim filed on or about: January 9, 2012.

Claimant signed the Submission Agreement: September 22, 2011.

Statement of Answer to the Amended Statement of Claim filed by Respondent Joan Edwina Flam on or about: April 20, 2012.

Statement of Answer to the Amended Statement of Claim filed by Respondent Peter Charles Johnson on or about: April 20, 2012.

Statement of Answer to the Statement of Claim filed by Respondent Questar Capital Corporation on or about: December 19, 2011.

Statement of Answer to the Statement of Claim filed by Respondent Donald Samuel Meredith on or about: December 16, 2011.

Amended Statement of Answer to the Statement of Claim filed by Respondent Donald Samuel Meredith on or about: December 21, 2011.

Joan Edwina Flam signed the Submission Agreement: December 6, 2012.

Peter Charles Johnson signed the Submission Agreement: December 6, 2012.

Questar Capital Corporation signed the Submission Agreement: October 27, 2011.

Donald Samuel Meredith signed the Submission Agreement: November 19, 2011.

Professional Asset Management, Inc. did not sign the Submission Agreement.

Concorde Investment Services, LLC did not sign the Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: 1) unsuitability; 2) breach of fiduciary duty of loyalty; 3) negligence; 4) failure to conduct due diligence; 5) negligent misrepresentation; 6) breach of contract; 7) material omissions and misrepresentations in connection with the sale of a security (securities fraud); 8) fraud based on concealment; 9) failure to supervise and negligent supervision; and 10) violations of federal statutes, California state codes, and FINRA rules and regulations regarding the sale of securities. The causes of action relate to Claimant's investment in the following tenants in common: RM Crowe, Woodside Park, Gemini Edensburg Plaza, and Riverwood Place.

In the Amended Statement of Claim, Claimant named Joan Edwina Flam and Peter Charles Johnson as additional Respondents.

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

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

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

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

RELIEF REQUESTED

In the Statement of Claim and Amended Statement of Claim, Claimant requested:

1. Compensatory damages or in the alternative rescissionary damages in an amount to be proven at hearing estimated to exceed \$2,000,000.00;
2. Interest at the statutory rate of 10% per year;
3. All tax liabilities incurred by Claimant associated with the performance of the investments at issue;
4. All management fees and/or commissions paid in connection with the investments in Claimant's accounts;
5. Claimant's costs of suit;
6. Punitive and/or exemplary damages at the discretion of the Panel;
7. Lost opportunity damages;
8. Attorneys' fees and costs; and
9. Additional damages as deemed appropriate and as allowed by law.

In her Statement of Answer to the Amended Statement of Claim, Respondent Flam did not request any specific relief.

In his Statement of Answer to the Amended Statement of Claim, Respondent Johnson did not request any specific relief.

In its Statement of Answer to the Statement of Claim, Respondent Questar requested:

1. Claimant take nothing against Respondent Questar;
2. Costs of this proceeding, including all reasonable attorneys' fees; and
3. Such other and further relief as the Panel deems appropriate.

In his Statement of Answer and Amended Statement of Answer to the Statement of Claim, Respondent Meredith requested judgment in his favor, and that Claimant's allegations against him be dismissed, with prejudice, in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent Concorde Investment Services, LLC did not file with FINRA Dispute Resolution a properly executed Submission Agreement but is required to submit to

arbitration pursuant to the Code of Arbitration Procedure (the "Code") and, is bound by the determination of the Panel on all issues submitted.

Respondent Professional Asset Management, Inc. did not file with FINRA Dispute Resolution a properly executed Submission Agreement or Statement of Answer but is required to submit to arbitration pursuant to the Code and, having appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

On January 6, 2012, Claimant dismissed his claims against Respondent Concorde Investment Services, LLC without prejudice.

On September 11, 2012, Respondent Questar filed a motion to dismiss. On October 15, 2012, Claimant filed his opposition. On October 22, 2012, Respondent Questar filed its reply to Claimant's opposition. On November 8, 2012, Respondent Meredith joined in Respondent Questar's motion to dismiss. On November 12, 2012, the Panel conducted a recorded hearing to hear oral argument on Respondents Questar and Meredith's motion to dismiss. On November 12, 2012, the Panel denied the motion.

On November 15, 2012, FINRA Dispute Resolution received notice from Claimant advising that a ruling on Respondent Questar's motion to dismiss is no longer necessary as Claimant settled his case as to all claims asserted against Respondent Questar.

On November 20, 2012, FINRA Dispute Resolution received notice from Claimant that Claimant settled the matter with Respondent Meredith.

On December 3, 2012, the Panel ruled that the evidentiary hearings would be conducted by telephonic conference rather than in-person in Boise, Idaho.

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 post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents Joan Edwina Flam, Peter Charles Johnson, and Professional Asset Management, Inc. are jointly and severally liable for and shall pay to Claimant the amount of \$20,000.00 in compensatory damages.
2. Respondents Joan Edwina Flam, Peter Charles Johnson, and Professional Asset Management, Inc. are jointly and severally liable for and shall pay to Claimant interest on the awarded amount of \$20,000.00 at the rate of 5.25% per annum from the date of service of the Award until paid in full, pursuant to Idaho statute.
3. Respondents Joan Edwina Flam, Peter Charles Johnson, and Professional Asset

Management, Inc. are jointly and severally liable for and shall pay the amount of \$24,341.00 in attorneys' fees pursuant to Idaho statute and contract. Said amount shall be paid exclusively to the law firm of Hunsucker Goodstein PC.

4. Respondents Joan Edwina Flam, Peter Charles Johnson, and Professional Asset Management, Inc. are jointly and severally liable for and shall pay to Claimant the amount of \$9,841.00 in costs.
5. Respondents Joan Edwina Flam, Peter Charles Johnson, and Professional Asset Management, Inc. are jointly and severally liable for and shall pay to Claimant the amount of \$600.00 as reimbursement for the non-refundable portion of the initial claim filing fee previously paid by Claimant to FINRA Dispute Resolution.
6. Any and all relief not specifically addressed herein, including punitive and exemplary 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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as parties, Respondents Questar Capital Corporation, Professional Asset Management, Inc., and Concorde Investment Services, LLC are assessed the following:

<u>Questar Capital Corporation</u>	
Member Surcharge	= \$ 2,800.00
Pre-Hearing Processing Fee	= \$ 750.00
Hearing Processing Fee	= \$ 5,000.00

<u>Professional Asset Management, Inc.</u>	
Member Surcharge	= \$ 2,800.00
Pre-Hearing Processing Fee	= \$ 750.00
Hearing Processing Fee	= \$ 5,000.00

<u>Concorde Investment Services, LLC</u>	
Member Surcharge	= \$ 2,800.00
Pre-Hearing Processing Fee	= \$ 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), that lasts four (4) hours or less. Fees associated with these proceedings are:

Four (4) Pre-hearing sessions with the Panel @ \$1,200.00/session	= \$ 4,800.00
Pre-hearing conferences: April 11, 2012	1 session
August 16, 2012	1 session
October 5, 2012	1 session
November 12, 2012	1 session
Three (3) Hearing sessions @ \$1,200.00/session	= \$ 3,600.00
Hearing Dates: December 10, 2012	1 session
December 11, 2012	1 session
December 14, 2012	1 session

Total Hearing Session Fees = \$ 8,400.00

The Panel has assessed \$8,400.00 of the hearing session fees jointly and severally to Respondents Joan Edwina Flam, Peter Charles Johnson, and Professional Asset Management, Inc.


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

ARBITRATION PANEL

Seymour A. Kolman - Public Arbitrator, Presiding Chairperson
Douglas Martin Crow - Public Arbitrator
William H. King - 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



Seymour A. Kolman
Public Arbitrator, Presiding Chairperson

2/5/13

Signature Date

Douglas Martin Crow
Public Arbitrator

Signature Date

William H. King
Public Arbitrator

Signature Date

02/07/2013

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

ARBITRATION PANEL

Seymour A. Kolman	-	Public Arbitrator, Presiding Chairperson
Douglas Martin Crow	-	Public Arbitrator
William H. King	-	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.

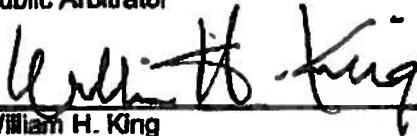
Concurring Arbitrators' Signatures

Seymour A. Kolman
Public Arbitrator, Presiding Chairperson

Signature Date

Douglas Martin Crow
Public Arbitrator

Signature Date



William H. King
Public Arbitrator

2-5-2013

Signature Date

02/07/2013
Date of Service (For FINRA Dispute Resolution office use only)

ARBITRATION PANEL

- Seymour A. Kolman - Public Arbitrator, Presiding Chairperson
- Douglas Martin Crow - Public Arbitrator
- William H. King - 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

Seymour A. Kolman
Public Arbitrator, Presiding Chairperson

Signature Date

Douglas M. Crow

Douglas Martin Crow
Public Arbitrator

2-6-2013

Signature Date

William H. King
Public Arbitrator

Signature Date

March 26, 2013

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