

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

---

In the Matter of the Arbitration Between:

Claimant  
Donald Joseph Bianco

Case Number: 14-00320

vs.

Respondents  
Liana Dobarganes  
International Monetary Capital Corp.

Hearing Site: Boca Raton, Florida

---

Nature of the Dispute: Associated Person vs. Customer and Non-Member

This case was decided by a majority-public panel.

**REPRESENTATION OF PARTIES**

For Claimant Donald Joseph Bianco: Ian J. Frimet, Esq., Wexler Burkhart Hirschberg & Unger LLP, Garden City, New York.

For Respondent Liana Dobarganes ("Dobarganes"): Dennis G. Fano, Esq., Dennis G. Fano, P.A., Palm City, Florida.

Respondent International Monetary Capital Corp. ("IMC") did not appear.

**CASE INFORMATION**

Statement of Claim filed on or about: January 31, 2014.

Donald Joseph Bianco signed the Submission Agreement: January 30, 2014.

Respondent Dobarganes did not file a Statement of Answer or a signed Submission Agreement.

Respondent IMC did not file a Statement of Answer or a signed Submission Agreement.

**CASE SUMMARY**

Claimant asserted that false and/or clearly erroneous information appears on his Central Registration Depository ("CRD") records. The cause of action relates to an online complaint filed on October 31, 2011, ("Online Complaint") against Claimant by Respondent Dobarganes as an officer/director of Respondent IMC regarding promissory notes.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of all references to the Online Complaint from his CRD records, costs and such other relief deemed just and proper by the Panel.

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

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

Respondent IMC is not a member or associated person of FINRA and did not voluntarily submit to arbitration. Therefore, the Panel made no determination with respect to Claimant's claims against Respondent IMC.

Respondents Dobarganes did not file with FINRA Dispute Resolution a properly executed Submission Agreement but, based upon the Panel's finding set forth below that Respondent Dobarganes acted in the capacity of a customer of Claimant when she filed the Online Complaint, 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 Dobarganes did not have an account with Claimant or Claimant's employing firm, National Securities Corporation. However, on or about December 3, 2014, the Panel issued an Order which stated, in part, the following: "The Panel concluded that FINRA has jurisdiction in this case because Respondent, Liana Dobarganes, filed the [online] complaint with FINRA and claimed to be a customer subject to FINRA's arbitration procedures."

The Panel conducted a recorded telephonic hearing on February 13, 2015, so the parties could present oral argument and evidence on Claimant's request for expungement. Respondent Dobarganes and her counsel appeared on the call and objected to Claimant's request.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the recorded telephonic hearing, Claimant's BrokerCheck report, copies of promissory notes dated September 1, 2004, and November 3, 2005 (as more fully discussed below), and the bankruptcy discharge and dissolution of American Capital Corporation in 2006, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Panel recommends the expungement of all references to the Online Complaint from Claimant's (CRD# 3111377) registration records maintained by the CRD, with the understanding that pursuant to Notice to Members 04-16, Claimant must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 12805 of the Code, the Panel has made the following Rule 2080 affirmative findings of fact:

- The claim, allegation, or information is factually impossible or clearly erroneous.

The Panel has made the above Rule 2080 finding based on the following reasons:

The Statement of Claim requested expungement of Claimant's CRD records as it relates to the Online Complaint pertaining to a promissory note dated November 3, 2005 and issued to International Monetary Corporation ("IM") from Shampon Lamport, LLC ("SL"), which is partially owned by Claimant. No valid promissory note was presented to the Panel. An unsigned draft of a promissory note was submitted by Respondent Dobarganes.

IM never extended a loan to SL, and has no standing to file a claim. Claimant is one of four equal partners associated with SL, but does not control SL.

A promissory note dated September 1, 2004, issued from SL to ACC was also presented in evidence. Respondent Dobarganes alleged that she was entitled to collect on the promissory note because she inherited control of ACC upon her husband's (Mr. Harrington's) death in 2010. ACC was dissolved by the bankruptcy court in 2006. The bankruptcy court ruled that ACC had no assets. Respondent Dobarganes has no right to file a complaint on behalf of a company which ceased to exist prior to her husband's death.

- The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds.

The Panel has made the above Rule 2080 finding based on the following reasons:

Claimant stated that he was not the salesperson involved in the sale of the SL promissory note to ACC in 2004, although Claimant did act as broker for Mr. Harrington on other unrelated transactions.

Claimant testified that he did not forge, steal, or misappropriate the funds from the 2004 promissory note.

- The claim, allegation, or information is false.

The Panel has made the above Rule 2080 finding based on the following reasons:

Respondent Dobarganes presented no evidence that Claimant acted as salesperson in the original September 1, 2004, promissory note. No evidence was presented that ACC still exists, or that Respondent Dobarganes ever had any rights to make claims on behalf of ACC. No evidence was presented that Claimant took funds from the original loan for his personal use.

The promissory note dated November 3, 2005, cited in the Statement of Claim was never executed and has no validity.

In making the above findings, the Panel notes that the Online Complaint did not result in a settlement.

2. Any and all claims for relief not specifically addressed herein are 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 = \$ 1,250.00

*\*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 Claimant's employer at the time of the events giving rise to this dispute, National Securities Corporation is assessed the following:

Pre-Hearing Processing Fee = \$ 750.00  
Hearing Processing Fee = \$ 2,200.00

#### 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:

Two (2) Pre-hearing sessions with the Panel @ \$1,000.00/session = \$ 2,000.00  
Pre-hearing conferences: December 3, 2014 1 session  
January 19, 2015 1 session

One (1) Hearing session on expungement request @ \$1,000.00/session = \$ 1,000.00  
Hearing Date: February 13, 2015 1 session

Total Hearing Session Fees = \$ 3,000.00

The Panel has waived the \$1,000.00 fee in connection with the hearing session conducted on January 19, 2015.

The Panel has assessed \$1,500.00 of the hearing session fees to Claimant, which includes the entire \$1,000.00 expungement hearing fee.

The Panel has assessed \$500.00 of the hearing session fees to Respondent Dobarganes.

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

FINRA Dispute Resolution  
Arbitration No. 14-00320  
Award Page 6 of 6

**ARBITRATION PANEL**

Alice J. Johnson	-	Public Arbitrator, Presiding Chairperson
Robert G. Geeseman	-	Public Arbitrator
Jack Stein	-	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**

Alice J. Johnson  
 Alice J. Johnson  
 Public Arbitrator, Presiding Chairperson

2/28/15  
 Signature Date

Robert G. Geeseman  
 Robert G. Geeseman  
 Public Arbitrator

Signature Date

Jack Stein  
 Jack Stein  
 Non-Public Arbitrator

Signature Date

3/2/15  
 Date of Service (For FINRA Dispute Resolution office use only)

**ARBITRATION PANEL**

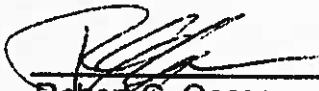
Alice J. Johnson	-	Public Arbitrator, Presiding Chairperson
Robert G. Geeseman	-	Public Arbitrator
Jack Stein	-	Non-Public Arbitrator

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**

\_\_\_\_\_  
Alice J. Johnson  
Public Arbitrator, Presiding Chairperson

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

  
\_\_\_\_\_  
Robert G. Geeseman  
Public Arbitrator

2/27/15  
\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Jack Stein  
Non-Public Arbitrator

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

01/2/15

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

Alice J. Johnson  
Robert G. Geeseman  
Jack Stein

- Public Arbitrator, Presiding Chairperson  
- Public Arbitrator  
- 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**

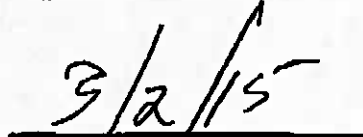
\_\_\_\_\_  
Alice J. Johnson  
Public Arbitrator, Presiding Chairperson

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

\_\_\_\_\_  
Robert G. Geeseman  
Public Arbitrator

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

  
\_\_\_\_\_  
Jack Stein  
Non-Public Arbitrator

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

3/2/15  
Date of Service (For FINRA Dispute Resolution office use only)