

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

**Sallie Shapiro, Claimant v. David Weiss, John Klingenstein, Roger Chlowitz, Steven Jenkins,
and David Oeser, Respondents.**

Case Number: 96-01885

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

**Jay R. Stein, Esq.
Law Offices of Jay R. Stein
Los Angeles, California**

For Respondent Roger Chlowitz:

**Roger Chlowitz
In Pro Per
Northridge, California**

For Respondent Steven Jenkins:

**Steven Jenkins
In Pro Per
Pacific Palisades, California**

CASE INFORMATION

Statement of Claim filed: June 6, 1996

Claimant's Uniform Submission Agreement signed: May 1, 1996

Statement of Answer filed by Respondent John Klingenstein: September 11, 1996

Respondent John Klingenstein's Uniform Submission Agreement signed: September 13, 1996

Statement of Answer filed by Respondent Roger Chlowitz: July 16, 1996

Respondent Roger Chlowitz's Uniform Submission Agreement signed: July 16, 1996

Statement of Answer filed by Respondent David Weiss: July 1, 1996

Respondent David Weiss's Uniform Submission Agreement signed: July 8, 1996

Statement of Answer filed by Respondent Steven Jenkins: July 11, 1996

CASE SUMMARY

Claimant alleged omissions of material facts, misrepresentation, fraud, negligence, and violations of federal securities laws in connection with the purchase of the following limited partnerships: Sooner Energy Partners VII, Sooner Energy Partners VII, Sooner Energy Partners XII, Vermilion River Drilling Program, and Belmopan Energy Partnership, .

In their respective Answers, Respondents Steven Jenkins, John Klingenmeier, David Weiss, and Roger Chlowitz denied the allegations of wrongdoing set forth in Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$57,725.00, interest in the amount of \$46,450.00, punitive damages, attorney's fees and costs.

Respondents Steven Jenkins, John Klingenmeier, David Weiss, and Roger Chlowitz requested: dismissal of Claimant's Statement of Claim in its entirety. Respondents Steven Jenkins and David Weiss also requested an award of costs.

OTHER ISSUES CONSIDERED AND DECIDED

On June 19, 1996, the NASD received notice that Donald Oeser passed away. A copy of his death certificate, dated September 12, 1995, is on file with the NASD.

On November 25, 1998, Respondent David Weiss declared bankruptcy and the arbitration proceeding against him was stayed.

On May 12, 1999, Respondent John Klingmeier declared bankruptcy and the arbitration proceeding against him was stayed.

On December 27, 1999, the Office of Dispute Resolution notified all parties in writing that they must submit hearing dates to the Office of Dispute Resolution before January 10, 2000, or the Arbitration Panel may dismiss the case without prejudice.

The Office of Dispute Resolution did not receive a response from the Claimant by the deadline date of January 10, 2000.

On June 30, 2000, the Arbitration Panel, on its own motion, dismissed this action without prejudice.

AWARD

- 1) Claimant's claims are dismissed without prejudice for failure to prosecute the claims.
- 2) Each party shall bear its own costs, including attorney's fees.
- 3) All other claims are dismissed without prejudice.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. has received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 150.00
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Adjournment Fees

The following adjournment fees are assessed:

November 27, 1998, 50% of adjournment fee assessed to Sallie Shapiro:	= \$ 250.00
25% of adjournment fee assessed to Roger Chlowitz:	= \$ 125.00
25% of adjournment fee discharged due to John Klingenstein's bankruptcy:	= \$ 125.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair/Panel. The following fees are assessed:

Four Pre-hearing conference sessions with the Panel @ \$500.00/session	= \$ 2,000.00
Pre-hearing conferences:	
February 13, 1997	1 session
July 1, 1997	1 session
September 4, 1997	1 session
March 6, 1998	1 session
<hr/> Total Forum Fees	<hr/> = \$ 2,000.00

1. The Arbitration Panel assessed \$ 1,000.00 of the forum fees to Claimant, Sallie Shapiro.
2. The Arbitration Panel assessed \$ 1,000.00 of the forum fees jointly and severally to Respondents Roger Chlowitz and Steven Jenkins.

Fee Summary

1. Claimant, Sallie Shapiro, is charged with the following fees and costs:

Initial Filing Fee	= \$ 150.00
Adjournment Fee	= \$ 250.00
<u>Forum Fees</u>	<u>= \$ 1,000.00</u>
Total Fees	= \$ 1,400.00
<u>Less payments</u>	<u>= \$ (650.00)</u>
Balance Due Claimant:	= \$ 750.00

2. Respondent Roger Chlowitz is charged with the following fees and costs:

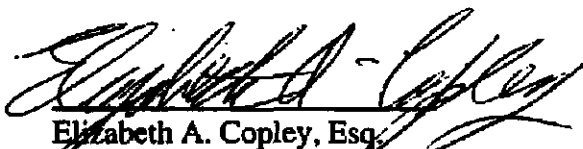
<u>Adjournment Fee</u>	<u>= \$ 125.00</u>
Total Fees	= \$ 125.00
<u>Less Payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Regulations, Inc.	= \$ 125.00

3. Respondents Roger Chlowitz and Steven Jenkins are charged jointly and severally with the following fees and costs:

<u>Forum Fees</u>	<u>= \$ 1,000.00</u>
Balance Due NASD Regulations, Inc.	= \$ 1,000.00

All balances are payable to NASD Regulation, Inc. and are due within 30 days of the award's date of service.

Concurring Arbitrators' Signatures


Elizabeth A. Copley, Esq.
Chair, Public Arbitrator

7/6/00
Signature Date

Ian M. Grant
Public Arbitrator

Signature Date

Walter W. Klosterman
Industry Arbitrator

Signature Date

Date of Service

Concurring Arbitrators' Signatures

Elizabeth A. Copley, Esq.
Chair, Public Arbitrator



Ian M. Grant
Public Arbitrator

Walter W. Klosterman
Industry Arbitrator

Signature Date

6-30-00

Signature Date

Signature Date

7/6/00

Date of Service

Consenting Arbitrators' Signatures

Elizabeth A. Copley, Esq.
Chair, Public Arbitrator

Signature Date

Ian M. Grant
Public Arbitrator

Signature Date

Walter W. Klossman
Walter W. Klossman
Industry Arbitrator

Signature Date

7/6/00
Date of Service