

96-05326

AWARD

NASD Regulation, Inc. Office of Dispute Resolution

In the Matter of the Arbitration Between

Name of Claimant

Eileen Janes

and

96-05326

Name of Respondent

Sentra Securities Corporation
Michael J. Irwin

REPRESENTATION OF PARTIES

Eileen Janes ("Claimant") was represented by Thomas D. Birge, Esq. and Cathryn B. Mayers, Esq., Birge & Mayers, P.C., Denver, Colorado. (Claimant)
Esq., Birge & Mayers, P.C.

Sentra Securities Corporation ("Respondent Sentra") and Michael J. Irwin ("Respondent Irwin") were represented by Brett Marshall Godfrey, Esq., Godfrey & Associates, P.C., Denver, Colorado. (Respondent)
Esq., Godfrey & Associates, P.C.

CASE INFORMATION

The Statement of Claim was filed on or about November 29, 1996. Submission Agreement of Claimant Eileen Janes was signed on November 27, 1996.

Statement of Answer was filed by Respondents Sentra Securities Corporation and Michael J. Irwin on or about February 8, 1997. Submission Agreement of Respondent Sentra Securities Corporation was signed on January 24, 1997 by Gregory D. Fitzpatrick. Submission Agreement of Respondent Michael J. Irwin was signed on June 20, 1997.

HEARING INFORMATION

A hearing on Respondents' Motion to Dismiss was held on July 23, 1997 for one (1) session. The hearing was held on Thursday, November 13, 1997 for two (2) sessions and Friday, November 14, 1997 for one (1) session in Denver, Colorado for a total of four (4) sessions.

CASE SUMMARY

Claimant alleged that Respondents recommended unsuitable investments; engaged in negligent misrepresentation; violated state and federal securities laws; and breached their fiduciary duty to her. Specifically, Claimant stated that Respondents recommended the purchase of Airfund II International L.P. and Fidelity Leasing Income Funds, which investments were alleged to be unsuitable for her in light of her stated investment objectives and her financial situation.

Respondents denied the allegations set forth in the Statement of Claim. Respondents specifically stated that the partnership interests which were purchased by Claimant represented a suitable proportion of what otherwise constituted a conservative and appropriate investment portfolio which complied in all respects with the wishes of Claimant with respect to her desire to generate income from the investment as alleged. It was further stated that Claimant was desirous of a significant return on her investment and was advised of the greater risk associated with higher rates of return. Respondents also stated that Claimant held herself out as reasonable articulate, intelligent and possessing a generally good education. In addition, Respondents stated that Claimant represented that she was earning income through her employment separate and apart from any income associated with her investment.

RELIEF REQUESTED

Claimant requested an award as follows:

- losses in an amount not less than \$50,000;
- any additional loss of principal or income sustained by Claimant as a result of Respondents' actions;
- attorneys' fees as provided by state law;
- interest as provided by state law; and
- costs, expenses and for other and further relief as the Arbitration Panel deems appropriate.

Respondents requested that the claims asserted against them be denied in its entirety and that they be awarded their costs and attorneys' fees.

OTHER ISSUES CONSIDERED & DECIDED

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. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Regulation, Inc. Office of Dispute Resolution.

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. The claims asserted in this matter shall be and hereby are denied in their entirety.
2. Each party shall bear its own costs, expenses and fees incurred in this matter not specifically enumerated herein.

FORUM FEES

Forum fees are calculated at the rate of \$500 per hearing session and \$300 for each pre-hearing conference, if any. There were four (4) sessions \times \$500 = \$2,000 in forum fees. Pursuant to Rule 10332(b) a hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with an arbitrator, which lasts four (4) hours or less.

Pursuant to Rule 10332(c) of the NASD Code of Arbitration Procedure, the NASD Regulation, Inc. Office of Dispute Resolution shall retain the non-refundable filing fee in the amount of \$150 and shall retain as forum fees the hearing session deposit in the amount of \$500 previously deposited with the NASD Regulation, Inc. Office of Dispute Resolution by the Claimant Eileen Janes. Claimant Eileen Janes shall be and hereby is liable for and shall pay to the NASD Regulation, Inc. Office of Dispute Resolution the additional sum of \$500 as forum fees.

Respondents Sentra Securities Corporation and Michael J. Irwin shall be and hereby are jointly and severally liable for and shall pay to the NASD Regulation, Inc. Office of Dispute Resolution the sum of \$1,000 as the balance due for forum fees.

Pursuant to Rule 10333 of the NASD Code of Arbitration Procedure, the NASD Regulation, Inc. Office of Dispute Resolution shall retain the non-refundable member surcharge in the amount of \$300. The NASD Regulation, Inc. Office of Dispute Resolution shall retain postponement fees in

the amount of \$500 previously deposited by the Claimant. Fees are payable to the NASD Regulation, Inc. Office of Dispute Resolution.

Dated:

/s/ William H. Long

November 25, 1997

William H. Long, Esq.
Public Arbitrator, Presiding Chair

/s/ Samuel R. Freeman

November 25, 1997

Samuel R. Freeman, Esq.
Public Arbitrator

/s/ Scott Steinhauer

November 25, 1997

Scott Steinhauer
Industry Arbitrator