

**N.A.S.D. REGULATION AWARD**  
**NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.**

CASE: 99-2777

Jan L. Bowers, Claimant vs. T.R. Winston & Company, Inc., Brookstreet Securities, Corp. and Jeffrey A. Kahn, Respondents.

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**ATTORNEYS:**

For Claimant

Jeff Dennis Ferentz, Esq.

Greenbaum & Ferentz, LLP

Newport Beach, California

For Respondent T.R. Winston & Company, Inc.

John W. Galuchie, Jr. Esq.

T.R. Winston & Company, Inc.

Bedminster, New Jersey

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DATE FILED: May 31, 1999

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**CASE SUMMARY:**

Claimant alleged churning, unsuitability, breach of fiduciary duty, and violations of securities laws.

Respondent T.R. Winston & Company, Inc. denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

Respondents Brookstreet Securities Corporation and Jeffrey A. Kahn denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

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**Claim Data**

Claim: \$19,775.00

Atty Fees: \$.00

Costs: \$.00

Lost Profits: \$.00

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**Award Data**

Award: \$.00

Atty Fees: \$.00

Costs: \$.00

Lost Profits: \$.00

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**AWARD:**

The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows:

- 1) The claims of Claimant are denied in their entirety.
- 2) Each party shall bear its own costs including attorney's fees.
- 3) All other relief requested not expressly granted are denied.
- 4) The \$125.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the Claimant, shall be retained by NASD Regulation, Inc.
- 5) Pursuant to Rule 103032(c), the Arbitration Chair has assessed \$150.00 of the forum fee to Claimant Jan L. Bower and \$150.00 of the forum fee to Respondent T.R. Winston & Company, Inc.

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**OTHER FEES:**

Pursuant to Rule 10333 of the Code, Respondent T.R. Winston & Company, Inc. has paid to NASD Regulation, Inc. the \$400.00 Member Surcharge previously invoiced.

Pursuant to Rule 10333 of the Code, Respondent Brookstreet Securities Corporation has paid to NASD Regulation, Inc. the \$400.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:**

On March 26, 2000, during the Initial Pre-Hearing Conference, the parties agreed to have this matter determined on the papers.

On March 28, 2000, the Claimant settled with Respondents Brookstreet Securities Corporation and Jeffrey A. Kahn.

On May 4, 2000 the Arbitrator decided the case on the papers.

**AFFIRMATION**

I, Thomas L. Flattery, Esq. do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

Thomas L. Flattery  
Thomas L. Flattery, Esq.

May 5, 2000  
Date of award

**RECIPIENTS:**

Thomas L. Flattery, Esq.