

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 99-05235

Ellen W. Wolf and Victor LaViola, claimants vs. Mary Ellen Trotter, United Pacific Securities, Inc., Thomas C. Altfillisch, Joe Miller, Jr., First Fidelity Acceptance Corp., Richard J. Tucker, Patti Plunkett, James R. Simon, and Sentra Securities Corp. respondents.

ATTORNEYS:

Claimants appeared Pro Se, Kansas City, MO

For Respondents Mary Ellen Trotter, Thomas C. Altfillisch, and United Pacific Securities, Inc., appeared Edward S. Zusman, Esq., of the firm Zelle, Hofman, Voelbel & Gette, LLP, San Francisco, CA.

For Respondent Sentra Securities Corporation appeared Jeffrey S. Kob, Esq., of the firm Miller Milove & Kob, San Diego, CA.

Respondents Joe Miller, Jr., First Fidelity Acceptance Corp., Richard J. Tucker, Patti Plunkett, and James R. Simon were not served with a copy of the Statement of Claim.

DATE FILED: November 22, 1999

CASE SUMMARY: Claimants alleged that they requested to be placed in securities which were easily accessible. Claimants further alleged that respondents placed them in First Fidelity Acceptance Corp. ("FFAC"). Claimants maintained that in October of 1997 they requested funds from their account, and 90 days later the funds still had not been received. Claimants further maintained that because respondents placed them in unsuitable securities, they have incurred losses.

ARBITRATOR'S REPORT: I have dismissed the case with respect to the named respondents in that I find nothing whatever in the materials furnished me which would form the basis of a decision against Ms. Trotter or her employer United Pacific Securities. I find no basis whatever for liability on behalf of Thomas Craig Altfillisch or Sentra Securities Corporation. I do not believe that an account representative or a dealer is responsible for guarantying the financial stability of an entity whose products it markets or sells, absent some express warranty which I did not find in the materials provided. Accordingly, I have, as aforesaid, rendered a decision dismissing the claims against the particular respondents referred to.

This case is dismissed entirely insofar as those respondents upon whom service was effected or who executed Uniform Submission Agreements or otherwise entered an appearance; i.e., Mary Ellen Trotter, United Pacific Securities, Thomas Craig Altfillisch, and Sentra Securities Corp. No decision is made with respect to the remaining named respondents; i.e., First Fidelity Acceptance Corp., Joe Miller, Jr., Richard J. Tucker, Patti Plunkett, or James R. Simon.

Claim Data

Claim: \$25,000.00
Interest: \$4,480.84
Atty Fees: Unspecified
Filing Fees: \$425.00

Award Data

Award: \$.00
Interest: \$.00
Atty Fees: \$.00
Filing Fees: \$.00

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 dismissed in their entirety against respondents Mary Ellen Trotter, United Pacific Securities, Thomas Craig Altfillisch, and Sentra Securities Corporation. 2) The claims of claimant are dismissed without prejudice against respondents First Fidelity Acceptance Corp., Richard J. Tucker, Patti Plunkett, Joe Miller, Jr., and James R. Simon. 3) All requests for attorney fees are denied. 4) All other relief requests are denied. 5) The \$425.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondents Sentra Securities Corp. and United Pacific Securities, Inc. have paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

OTHER ISSUES: Respondent Sentra Securities Corp.'s Motion to Dismiss Claims was granted by the arbitrator. Respondents Mary Ellen Trotter's, Thomas C. Altfillisch's, and United Pacific Securities, Inc.'s request for a hearing is denied.

AFFIRMATION

I, Robert A. Babcock, 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.



Robert A. Babcock, Esq.

January 26, 2001
Date of Award