

**Award
NASD**

In the Matter of the Arbitration Between:

Name of the Claimant
Thomas L. Birt, Jr.

Case Number: 00-04097

Names of the Respondents
Salomon Smith Barney, Inc.
Larry Joseph McKenney
Paul Gerard Chiampa

Hearing Site: Tampa, FL

REPRESENTATION OF PARTIES

For Thomas L. Birt, Jr., hereinafter referred to as "Claimant": John R. Kiefner, Jr., Esq., Kiefner & Renaldo, P.A., St. Petersburg, FL.

For Salomon Smith Barney, Inc. ("SSB"), Larry Joseph McKenney ("McKenney"), and Paul Gerard Chiampa ("Chiampa"), hereinafter collectively referred to as "Respondents": Harry T. Walters, Director, Associate General Counsel, SSB, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: September 15, 2000.

Reply to Affirmative Defenses filed by Claimant on or about: December 19, 2000.

Claimant signed the Uniform Submission Agreement: September 15, 2000.

Statement of Answer filed by Respondents on or about: December 11, 2000.

Respondent SSB signed the Uniform Submission Agreement: December 11, 2000.

Respondent McKenney signed the Uniform Submission Agreement: January 29, 2001.

Respondent Chiampa signed the Uniform Submission Agreement: January 29, 2001.

CASE SUMMARY

Claimant asserted the following causes of action: negligent supervision, hiring and retention; misrepresentations and omissions in connection with the offer, purchase, and sale of securities in violation of Chapter 517, Florida Statutes; negligence; gross negligence; breach of fiduciary duty; and, violations of NASD conduct rules. The causes of action relate to the sale of Medical Industries of America, Inc. stock in Claimant's account and undisclosed fees related to the opening of an additional account for Claimant.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses including: failure to state a claim upon which relief can be granted; failure to mitigate damages; and, ratification.

RELIEF REQUESTED

Claimant requested compensatory damages of approximately \$6,700,000.00, pre-judgment

interest, attorneys' fees, costs, punitive damages, and other and further relief as the undersigned arbitrators (the "Panel") deemed just and appropriate.

Respondents requested dismissal of the Statement of Claim, costs, and expungement of this matter from Respondent McKenney's registration records maintained by the NASD Central Registration Depository ("CRD").

OTHER ISSUES CONSIDERED AND DECIDED

During the evidentiary hearing, Claimant moved the Panel to dismiss Respondent Chiampa from this matter. The Panel granted the motion.

The parties have agreed that the Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's Statement of Claim is dismissed, with prejudice, including Claimant's requests for relief pursuant to Chapter 517, Florida Statutes.

The Panel recommends the expungement of all references to the above captioned arbitration from Respondent McKenney's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent McKenney must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Any and all claims for relief not specifically addressed herein, including Claimant's request for punitive damages, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), the following fees are assessed:

Filing Fees

NASD will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$600.00

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. In this matter, the member firm is a party.

Member surcharge	= \$3,000.00
Pre-hearing process fee	= \$600.00
Hearing process fee	= \$5,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

May 21-24, 2002, adjournment by Respondents = \$1,200.00

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

Forum Fees and Assessments

The Panel has assessed forum 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:

One (1) Pre-hearing session with Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: May 3, 2001 1 session	

Five (5) Hearing sessions @ \$1,200.00	= \$6,000.00
Hearing Dates: September 17, 2002 2 sessions	
September 18, 2002 2 sessions	
September 19, 2002 1 session	

Total Forum Fees	= \$7,200.00
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The Panel has assessed the total forum fees of \$7,200.00 to Claimant.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred in this matter.

FEE SUMMARY

Claimant is solely liable for:

Initial Filing Fee	= \$600.00
Forum Fees	= \$7,200.00
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Total Fees	= \$7,800.00
Less payments	= \$1,800.00
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Balance Due NASD	= \$6,000.00

Respondent SSB is solely liable for:

Member Fees	= \$8,600.00
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Total Fees	= \$8,600.00
Less payments	= \$8,600.00
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Balance Due NASD	= \$0.00

Respondents are jointly and severally liable for:

Adjournment Fee	= \$1,200.00
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Total Fees	= \$1,200.00
Less payments	= \$0.00
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Balance Due NASD	= \$1,200.00

All balances are payable to NASD and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Poong-Jin Bradley, Esq.	-	Public Arbitrator, Presiding Chair
Maurice M. Feller, Esq.	-	Public Arbitrator
John Steve Azadian	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

Poong-Jin Bradley, Esq.
Public Arbitrator, Presiding Chair

Signature Date

/s/

Maurice M. Feller, Esq.
Public Arbitrator

Signature Date

/s/

John Steve Azadian
Non-Public Arbitrator

Signature Date

October 29, 2002

Date of Service (For NASD office use only)

NASD Dispute Resolution
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Maurice M. Feller, Esq.	-	Public Arbitrator
John Steve Azadian	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Poong-Jin Bradley, Esq.
Public Arbitrator, Presiding Chair

Signature Date

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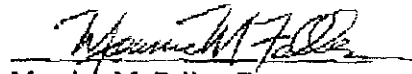
NASD DISPUTE RESOLUTION

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NASD Dispute Resolution

Arbitration No. 00-04097

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Maurice M. Feller, Esq.
Public Arbitrator

10-25-02
Signature Date

John Steve Azadian
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)



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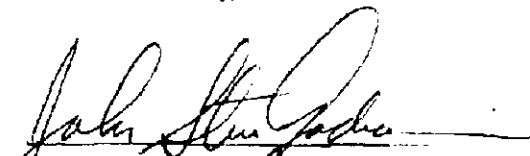
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Maunce M. Feller, Esq.
Public Arbitrator


John Steve Azadian
Non-Public Arbitrator

Signature Date

10/25/02
Signature Date

Date of Service (For NASD office use only)