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**Stipulated Award**  
**NASD**

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In the Matter of the Arbitration Between:

Name of Claimant

James and Debra Cole

Case Number: 02-00969

Names of Respondents

Salomon Smith Barney, Inc.

Robert E. McMann

Hearing Site: Orlando, Florida

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**REPRESENTATION OF PARTIES**

For James and Debra Cole ("Claimant"): Rodney L. Russell, Esq., Russell Law Offices, P.A., Orlando, Florida.

For Salomon Smith Barney ("SSB") and Robert E. McMann ("McMann"), collectively referred to as "Respondents": Linda R. Alpert, Senior Vice President and Associate General Counsel with Respondent SSB, New York, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: February 19, 2002.

Claimant signed the Uniform Submission Agreement on: February 4, 2002.

Statement of Answer filed by Respondents on or about: April 22, 2002.

Respondent SSB signed the Uniform Submission Agreement on: April 22, 2002.

Respondent McMann signed the Uniform Submission Agreement on: April 5, 2002.

**CASE SUMMARY**

Claimant alleged the following causes of action: 1) misrepresentation and non-disclosures; 2) omission of facts; 3) suitability; and 4) manipulations. The causes of action relate to investments in shares of stock in World Commerce Online.

Respondents denied the allegations made in the Statement of Claim and asserted various defenses.

**RELIEF REQUESTED**

Claimant requested: 1) compensatory damages in the amount of \$100,000.00; 2) costs; and 3) attorneys' fees.

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Respondents requested: 1) dismissal of the Statement of Claim; and 2) expungement of all reference to the above captioned arbitration from Respondent McMann's registration records maintained by the NASD Central Registration Depository ("CRD").

**OTHER ISSUES CONSIDERED AND DECIDED**

On or about November 27, 2002, Claimant notified NASD Dispute Resolution that the parties had reached a settlement and that Claimant is willing to permit Respondents to request expungement of the above-captioned arbitration proceeding for Respondent McMann.

On or about December 17, 2002, the parties filed their Joint Motion for Expungement wherein the parties requested expungement of all reference to the above captioned arbitration from Respondent McMann's registration records maintained by the NASD CRD. On January 9, 2003, the undersigned arbitrators (the "Panel") entered its Order granting the parties' joint motion.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

**AWARD**

After considering the pleadings and the Order entered on January 9, 2003, the Panel decided in full and final resolution of the issues submitted for determination as follows:

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

**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 = \$225.00

**Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Respondent SSB is a member firm and a party.

Member surcharge = \$1,100.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$1,700.00

**Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournments requested during these proceedings.

**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.

There were no injunctive relief fees assessed during these proceedings.

**Forum Fees and Assessments**

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator @ \$450.00 per session	= \$ 450.00
Pre-hearing conference: November 4, 2002 1 session	

One (1) Pre-hearing session with Panel @ \$750.00 per session	= \$ 750.00
Pre-hearing conference: September 12, 2002 1 session	

Retained Claimant's hearing session deposit	= \$ 750.00
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Total Forum Fees	= \$1,950.00
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Respondent SSB agreed to pay the forum fee for the pre-hearing conference of September 12, 2002. Therefore, the Panel has assessed forum fees in the amount of \$750.00 for the pre-hearing conference of September 12, 2002 to Respondent SSB.

The Panel assessed the forum fee in the amount of \$450.00 to Respondent SSB for the pre-hearing conference of November 4, 2002.

NASD Dispute Resolution retained Claimant's hearing session deposit as a forum fee in the amount of \$750.00 pursuant to Rule 10332(f) of the Code.

**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 not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

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**Fee Summary**

Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	= \$ 750.00
Total Fees	= \$ 975.00
<u>Less payments</u>	= \$ 975.00
Balance Due NASD	= \$ 0.00

Respondent SSB is solely liable for:

Member Fees	= \$3,550.00
<u>Forum Fees</u>	= \$1,200.00
Total Fees	= \$4,750.00
<u>Less payments</u>	= \$3,550.00
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**

Mark Whitney Garrett	-	Public Arbitrator, Presiding Chairperson
Charles Tindell, Esq.	-	Public Arbitrator
Robert K. MacKenzie	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

\_\_\_\_\_/s/\_\_\_\_\_  
Mark Whitney Garrett  
Public Arbitrator, Presiding Chairperson

\_\_\_\_\_  
February 10, 2003  
Signature Date

\_\_\_\_\_/s/\_\_\_\_\_  
Charles Tindell, Esq.  
Public Arbitrator

\_\_\_\_\_  
February 10, 2003  
Signature Date

\_\_\_\_\_/s/\_\_\_\_\_  
Robert K. MacKenzie  
Non-Public Arbitrator

\_\_\_\_\_  
February 11, 2003  
Signature Date

\_\_\_\_\_  
February 11, 2003  
Date of Service (For NASD use only)

NASD

Arbitration No. 02-00969

Stipulated Award Page 4 of 4

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 750.00
Total Fees	= \$ 975.00
Less payments	= \$ 975.00
Balance Due NASD	= \$ 0.00

Respondent SSB is solely liable for:

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Forum Fees	= \$1,200.00
Total Fees	= \$4,750.00
Less payments	= \$3,550.00
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

Mark Whitney Garrett	-	Public Arbitrator, Presiding Chairperson
Charles Tindell, Esq.	-	Public Arbitrator
Robert K. MacKenzie	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Mark W. Garrett  
Mark Whitney Garrett  
Public Arbitrator, Presiding Chairperson

Feb 10, 2003  
Signature Date

Charles Tindell, Esq.  
Charles Tindell, Esq.  
Public Arbitrator

Signature Date

Robert K. MacKenzie  
Robert K. MacKenzie  
Non-Public Arbitrator

Signature Date

Date of Service (For NASD use only)

NASD

Arbitration No. 02-00900

Stipulated Award Page 4 of 4

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 750.00
Total Fees	= \$ 975.00
Less payments	= \$ 975.00
Balance Due NASD	= \$ 0.00

Respondent SSB is solely liable for:

Member Fees	= \$3,552.00
Forum Fees	= \$1,262.00
Total Fees	= \$4,814.00
Less payments	= \$3,552.00
Balance Due NASD	= \$1,262.00

All balances are payable to NASD and are due upon receipt pursuant to Rule 1033(g) of the Code.

ARBITRATION PANEL

Mark Whitney Carrat

Public Arbitrator, Presiding Chairperson

Charles Tindell, Esq.

Public Arbitrator

Robert K. MacKenzie

Non-Public Arbitrator

Concurring Arbitrators' Signatures

Mark Whitney Carrat

Signature Date

Public Arbitrator, Presiding Chairperson



2-10-03

Charles Tindell, Esq.

Signature Date

Public Arbitrator

Robert K. MacKenzie

Signature Date

Non-Public Arbitrator

Date of Service (For NASD use only)

02/10/2003 13:07  
Feb. 10. 2003 3:42 PM

NASD

Arbitration No. 02-00969

Stipulated Award Page 4 of 4Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 750.00
Total Fees	= \$ 975.00
Less payments	= \$ 975.00
Balance Due NASD	= \$ 0.00

Respondent SSB is solely liable for:

Member Fees	= \$3,550.00
Forum Fees	= \$1,200.00
Total Fees	= \$4,750.00
Less payments	= \$3,550.00
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

Mark Whitney Garrett

Charles Tindell, Esq.

Robert K. MacKenzie

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Public Arbitrator, Presiding Chairperson

Public Arbitrator

Non-Public Arbitrator

Concurring Arbitrators' Signatures

Mark Whitney Garrett

Public Arbitrator, Presiding Chairperson

Signature Date

Charles Tindell, Esq.

Public Arbitrator

Signature Date

Robert K. MacKenzie

Non-Public Arbitrator

Feb 11, 2003

Signature Date

Date of Service (For NASD use only)