

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Name of the Claimant  
Roger Gaeckler

Case Number: 02-06413

Names of the Respondents  
Virgil Guerriero, individually  
and as Trustee of the  
Guerriero Family Trust

Hearing Site: Boca Raton, Florida

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Nature of the Dispute: Associated Person vs. Customer.

**REPRESENTATION OF PARTIES**

For Roger Gaeckler ("Gaeckler"), hereinafter referred to as "Claimant": Richard L. Martens, Esq., Boose Casey Ciklin Lubitz Martens McBane & O'Connell, West Palm Beach, Florida.

For Virgil Guerriero, individually ("Guerriero") and as Trustee of the Guerriero Family Trust ("GFT"), hereinafter referred to as "Respondents": Adam D. Palmer, Esq., Baritz and Colman, LLP, Boca Raton, Florida.

**CASE INFORMATION**

Statement of Claim filed on or about: December 9, 2002.

Claimant signed the Uniform Submission Agreement: December 4, 2002.

Respondents did not file a Statement of Answer or executed Uniform Submission Agreements.

**CASE SUMMARY**

Claimant asserted that the settlement agreement in connection with the resolution of the arbitration proceedings in NASD Dispute Resolution Case Number 01-02043 provides that Claimant's NASD Central Depository Registration ("CRD") records should be expunged. Respondents consented to Claimant's request. The causes of action relate to investments in unspecified securities.

**RELIEF REQUESTED**

Claimant requested that all references to NASD Dispute Resolution Case Number 01-02043 be expunged from his NASD CRD records and for such other relief as is deemed necessary.

### **OTHER ISSUES CONSIDERED AND DECIDED**

On or about March 18, 2003, Respondents' attorney submitted correspondence indicating that the law firm was authorized to represent Respondents for purposes of consenting to an Award of expungement which was requested in this arbitration proceeding.

Upon review of the file, and the correspondence submitted on behalf of Respondents, the undersigned arbitrator (the "Arbitrator") determined that Respondents have been properly served with the Statement of Claim, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondents did not file with NASD Dispute Resolution, properly executed submissions to arbitration but voluntarily submitted to arbitration pursuant to the Code and, having submitted correspondence consenting to an award of expungement are bound by the determination of the Arbitrator on all issues submitted.

### **AWARD**

After considering the pleadings, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

The Arbitrator recommends the expungement of all references to the arbitration proceeding in NASD Dispute Resolution Case Number 01-02043 from Claimant Gaeckler's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Claimant Gaeckler must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

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

Initial claim filing fee	= \$250.00
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#### **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, Citigroup Global Markets, Inc. is a member firm and was the Claimant's firm at the time that the dispute in NASD Dispute Resolution Case Number 01-02403 arose.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 750.00

### **Adjournment Fees**

No adjournments were granted during these proceedings for which fees were assessed.

### **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 during these proceedings.

### **Forum Fees and Assessments**

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

No hearing sessions were held during these proceedings.

### **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 fees were incurred during these proceedings.

### **Fee Summary**

Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$250.00
Total Fees	= \$250.00
<u>Less payments</u>	= \$250.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Citigroup Global Markets is solely liable for:

<u>Member Fees</u>	= \$2,250.00
Total Fees	= \$2,250.00
<u>Less payments</u>	= \$2,250.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

**ARBITRATOR**

*Terrence W. Grant*

*Non-Public Arbitrator, Presiding Chairperson*

**Arbitrator's Signature**

/s/

Terrence W. Grant

Non-Public Arbitrator, Presiding Chairperson

Signature Date

April 5, 2004

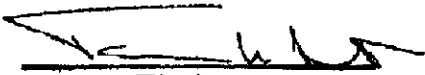
Date of Service (For NASD Dispute Resolution office use only)

**ARBITRATOR**

*Terrence W. Grant*

*Non-Public Arbitrator, Presiding Chairperson*

**Arbitrator's Signature**



*Terrence W. Grant*

*Non-Public Arbitrator, Presiding Chairperson*

4/05/04  
Signature Date

Date of Service (For NASD Dispute Resolution office use only)