

---

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

---

In the Matter of the Arbitration Between:

Name of the Claimant  
Patricia S. Rendziperis

Case Number: 02-07682

Names of the Respondents  
David L. Gray  
Salomon Smith Barney, Inc.

Hearing Site: Tampa, Florida

---

Nature of the Dispute: Customer vs. Member Firm and Associated Person.

**REPRESENTATION OF PARTIES**

Patricia S. Rendziperis, hereinafter referred to as "Claimant", appeared pro se.

For David L. Gray ("Gray") and Salomon Smith Barney, Inc. ("SSB"), collectively referred to herein as "Respondents": Joseph A. Sack, Esq., Associate General Counsel, Citigroup Global Markets, Inc., New York, New York, and Frederick S. Schriels, Esq., Gray, Harris & Robinson, P.A., Tampa, Florida.

**CASE INFORMATION**

Statement of Claim filed on or about: December 16, 2002.  
Claimant signed the Uniform Submission Agreement: January 10, 2003.  
Statement of Answer filed by Respondents on or about: March 5, 2003.  
Respondent SSB signed the Uniform Submission Agreement: March 5, 2003.  
Respondent Gray did not file an executed Uniform Submission Agreement.  
Response to Statement of Answer filed by Claimant on or about: March 17, 2003.

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of contract; misrepresentations and omissions; unsuitable recommendations; failure to disclose information; and breach of fiduciary duty. The causes of action relate to the purchase of Adelpia Communications Senior Bonds in Claimant's account.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various defenses.

**RELIEF REQUESTED**

Claimant requested compensatory damages of \$61,149.58, punitive damages of \$183,448.74, and loss of interest for 2002 in the amount of \$4,187.50.

Respondents requested that Claimant's claims be denied, and dismissed with prejudice, and that the costs associated with the arbitration proceeding be assessed against Claimant.

**OTHER ISSUES CONSIDERED AND DECIDED**

Respondent Gray did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

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, 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 claim is dismissed in its entirety, with prejudice.

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

**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	= \$300.00
--------------------------	------------

**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. Accordingly,

Respondent SSB is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

**Adjournment Fees**

Adjournment fees were not assessed in this matter.

**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.

Injunctive relief fees were not assessed 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 the Panel @ \$1,125.00/session	= \$1,125.00
Pre-hearing conference: July 2, 2003 1 session	
One (1) Pre-hearing session with a single arbitrator @ \$450.00/session	= \$ 450.00
Pre-hearing conference: October 10, 2003	
Two (2) Hearing sessions @ \$1,125.00/session	= \$2,250.00
Hearing Date: November 10, 2003 2 sessions	
<hr/>	
Total Forum Fees	= \$3,825.00

The Panel has assessed forum fees of \$1,912.50 to Claimant.

The Panel has assessed forum fees of \$1,912.50 to Respondents, jointly and severally.

**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 in this matter.

**Fee Summary**

Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$1,912.50
Total Fees	= \$2,212.50
Less Payments	= \$1,425.00
Balance Due NASD Dispute Resolution	= \$ 787.50

Respondent SSB is solely liable for:

<u>Member Fees</u>	= \$5,200.00
<u>Total Fees</u>	= \$5,200.00
<u>Less Payments</u>	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

<u>Forum Fees</u>	= \$1,912.50
<u>Total Fees</u>	= \$1,912.50
<u>Less Payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,912.50

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

**ARBITRATION PANEL**

Robert S. Bernard, Esq.	-	Public Arbitrator, Presiding Chairperson
Theodore E. Focht, Esq.	-	Public Arbitrator
Robert W. Meyer	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

/s/  
Robert S. Bernard  
Public Arbitrator, Presiding Chairperson

November 15, 2003  
Signature Date

/s/  
Theodore E. Focht, Esq.  
Public Arbitrator

November 15, 2003  
Signature Date

/s/  
Robert W. Meyer  
Non-Public Arbitrator

November 15, 2003  
Signature Date

November 20, 2003  
Date of Service (For NASD Dispute Resolution office use only)

Member Fees	= \$5,200.00
Total Fees	= \$5,200.00
Less Payments	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Forum Fees	= \$1,912.50
Total Fees	= \$1,912.50
Less Payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,912.50

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

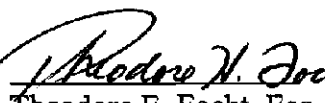
**ARBITRATION PANEL**

Robert S. Bernard, Esq.	-	Public Arbitrator, Presiding Chairperson
Theodore E. Focht, Esq.	-	Public Arbitrator
Robert W. Meyer	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

Robert S. Bernard  
Public Arbitrator, Presiding Chairperson

Signature Date

  
Theodore E. Focht, Esq.  
Public Arbitrator

November 15, 2003  
Signature Date

Robert W. Meyer  
Non-Public Arbitrator

Signature Date

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

<u>Member Fees</u>	= \$5,200.00
Total Fees	= \$5,200.00
<u>Less Payments</u>	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:


<u>Forum Fees</u>	= \$1,912.50
Total Fees	= \$1,912.50
<u>Less Payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,912.50

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

**ARBITRATION PANEL**

Robert S. Bernard, Esq.	-	Public Arbitrator, Presiding Chairperson
Theodore E. Focht, Esq.	-	Public Arbitrator
Robert W. Meyer	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

  
Robert S. Bernard  
Public Arbitrator, Presiding Chairperson

11/15/03  
Signature Date

\_\_\_\_\_  
Theodore E. Focht, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Robert W. Meyer  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

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

NASD Dispute Resolution

Arbitration No. 02-07682

Award Page 4 of 4

Member Fees	= \$5,200.00
Total Fees	= \$5,200.00
Less Payments	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Forum Fees	= \$1,912.50
Total Fees	= \$1,912.50
Less Payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,912.50

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

**ARBITRATION PANEL**

Robert S. Bernard, Esq.	-	Public Arbitrator, Presiding Chairperson
Theodore E. Focht, Esq.	-	Public Arbitrator
Robert W. Meyer	-	Non-Public Arbitrator

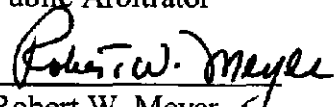
**Concurring Arbitrators' Signatures**

\_\_\_\_\_  
Robert S. Bernard  
Public Arbitrator, Presiding Chairperson

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Theodore E. Focht, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

  
Robert W. Meyer  
Non-Public Arbitrator

11/15/2003  
Signature Date

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