

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Charles Bauer (Claimant) v. Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc.
(Respondent)

Case Number: 03-00216

Hearing Site: Buffalo, New York

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

Claimant Charles Bauer ("Claimant") hereinafter referred to as "Claimant": Donald G. McGrath, Esq., McGrath & Polvino, PLLC, Williamsville, NY.

Respondent Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. ("Citigroup") hereinafter referred to as "Respondent": Michael C. Farkas, Esq., Citigroup Global Markets, Inc., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: January 7, 2003.

Claimant signed the Uniform Submission Agreement: December 30, 2002.

Statement of Answer filed by Respondent on or about: April 4, 2003.

Respondent signed the Uniform Submission Agreement: April 4, 2003.

CASE SUMMARY

Claimant asserted the following cause of action: suitability. The causes of action relate to shares of Enron.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested rescission; and compensatory damages in the amount of \$44,495.75, plus 14 months interest at 9%.

Respondent requested that the Claim be denied, and dismissed with prejudice; and costs.

OTHER ISSUES CONSIDERED AND DECIDED

At the close of Claimant's case, Respondent moved for a directed verdict, stating that Claimant failed to state a basis for which relief could be granted. The motion was denied.

AWARD

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

1. Claimant's claims are denied in their entirety.
2. Any and all relief not specifically addressed herein is 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 = \$175.00

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, Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. is a party.

Member surcharge	= \$ 875.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,000.00

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:

One (1) Pre-hearing session with the sole arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: February 18, 2004 1 session	

Two (2) Hearing sessions @ \$450.00	= \$ 900.00
Hearing Date: October 14, 2004 2 sessions	
Total Forum Fees	= \$1,350.00

The Arbitrator has assessed \$1,350.00 of the forum fees 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, special equipment requested for the hearing, interpreters, and security.

Respondent requested a conference phone be provided for the hearing = \$ 180.00

Fee Summary**1. Claimant is solely liable for:**

Initial Filing Fee	= \$ 175.00
<u>Forum Fees</u>	<u>= \$1,350.00</u>
Total Fees	= \$1,525.00
<u>Less payments</u>	<u>= \$ 625.00</u>
Balance Due NASD Dispute Resolution	= \$ 900.00

2. Respondent is solely liable for:

Member Fees	= \$2,625.00
<u>Administrative Fees</u>	<u>= \$ 180.00</u>
Total Fees	= \$2,805.00
<u>Less payments</u>	<u>= \$3,500.00</u>
Refund Due Respondent	= \$ 695.00

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

NASD Dispute Resolution
Arbitration No. 03-00216
Award Page 4 of 4

ARBITRATOR

Christopher C. Willett, Esq.

Sole Public Arbitrator

Arbitrator's Signature

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument is which is my award.



Christopher C. Willett, Esq.
Sole Public Arbitrator

Signature Date

October 29, 2004

Date of Service (For NASD Dispute Resolution use only)