

**NASD DISPUTE RESOLUTION AWARD**

**NASD DISPUTE RESOLUTION**

CASE: 03-00830

David E. Brackmann ACF Lauren N. Brackmann U/CA/UTMA, Claimant v. Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. and Scott M. Shagrin, Respondents.

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**ATTORNEYS:**

For Claimant, David E. Brackmann ACF Lauren N. Brackmann U/CA/UTMA, ("Claimant"), appeared Edward W. Russey, III, of the firm Oswald & Yap, Irvine, CA.

For Respondents, Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. and Scott M. Shagrin, ("Respondents"), appeared their in-house counsel, Ann Parry, Esq., New York, NY.

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**NATURE OF DISPUTE:** Customer v. Member and Associated Person

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**DATE FILED:** February 4, 2003

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**CASE SUMMARY:** Claimant alleged that Respondents breached their contract, fiduciary duty, and an implied covenant of good faith and fair dealing. Claimant further alleged that Respondents omitted material fact about his UIT investment, and traded CG Capital Markets and UTS Van Kampen Focus Portfolio 199 Internet Tr. Ser. 18A stock without authorization. Claimant's claim involved mutual funds. Claimant maintained that due to Respondents' actions, his account suffered financial losses.

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**Claim Data**

Claim: \$23,694.74  
Punitive: Unspecified  
Attorney Fees: \$880.25  
Filing Fees: \$425.00  
Other: Unspecified

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**Award Data**

Award: \$.00  
Punitive: \$.00  
Attorney Fees: \$.00  
Filing Fees: \$.00  
Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of the Claimant are dismissed in their entirety. 2) All requests for punitive damages are denied. 3) All requests for attorney fees are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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**ARBITRATOR**

John A. Bogdanski, Esq. - Sole Public Arbitrator

**AFFIRMATION**

I, John A. Bogdanski, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

John A. Bogdanski  
John A. Bogdanski, Esq.

March 15, 2004  
Signature Date

March 31, 2004  
Date of Service (For NASD-DR office use only)