
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Frederick Goldman

Case Number: 03-02060

Names of the Respondents
Salomon Smith Barney Inc.
John Banks
Andrew Banks
Nicole Rothenberg

Hearing Site: Boca Raton, Florida

Nature of the Dispute: Customer vs. Member and Associated Persons.

REPRESENTATION OF PARTIES

Frederick Goldman, hereinafter referred to as "Claimant", appeared pro se.

For Salomon Smith Barney Inc. ("SSB"), John Banks ("J. Banks"), Andrew Banks (A. Banks") and Nicole Rothenberg ("Rothenberg"), hereinafter collectively referred to as "Respondents": William A. Hohauser, Associate General Counsel, Citigroup Global Markets, Inc., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: March 24, 2003.

Claimant signed the Uniform Submission Agreement: March 17, 2003.

Statement of Answer and Motion to Dismiss Respondent Rothenberg filed by Respondents SSB, J. Banks and A. Banks on or about: May 21, 2003.

Letter Adopting the Statement of Answer of Respondents SSB, J. Banks and A. Banks filed by Respondent Rothenberg on or about: October 24, 2003.

Respondent SSB signed the Uniform Submission Agreement: May 21, 2003.

Respondents J. Banks, A. Banks and Rothenberg did not file executed Uniform Submission Agreements.

Response to Motion to Dismiss Respondent Rothenberg filed by Claimant on or about: May 28, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: 1) negligence; 2) failure to supervise; 3) failure to execute; 4) breach of fiduciary duty; and 5) suitability. The causes of action relate to the purchase and subsequent failure to sell various stocks in Claimant's account, including, but not limited to, Alza Corp., Amgen Inc., Cisco Systems Inc., Commerce One Inc., Dell Computer Corp., Intel Corp., LSI Logic Corp., Nortel Networks Corp., Hewlett Packard Co., Doubleclick Inc. and Yahoo Inc.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$89,242.00 and punitive damages in the amount of \$10,000.00.

Respondents requested that the Statement of Claim be dismissed in its entirety and that they be awarded their costs.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents J. Banks, A. Banks and Rothenberg did not file with NASD properly executed submissions to arbitration but are 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, are bound by the determination of the Panel on all issues submitted.

On or about August 27, 2003, the Panel issued an Order that denied Respondent Rothenberg's Motion to Dismiss.

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

AWARD

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

Respondents are found not liable and Claimant's claims are denied in their entirety.

The Panel recommends the expungement of all references to the above captioned arbitration from Respondents J. Banks, A. Banks and Rothenberg's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents J. Banks, A. Banks and Rothenberg must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Any and all claims 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 = \$ 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 party to this dispute and was a member of NASD at the time the following fees were assessed:

Member surcharge = \$1,100.00
Pre-hearing process fee = \$ 750.00
Hearing process fee = \$1,700.00

Adjournment Fees

No requests for adjournments were filed in this matter for which fees were assessed.

Injunctive Relief Fees

No injunctive relief fees were incurred during this proceeding.

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 = \$ 450.00
Pre-hearing conference: December 5, 2003 1 session

Two (2) Pre-hearing sessions with the Panel @ \$750.00 = \$1,500.00
Pre-hearing conferences: October 2, 2003 1 session
March 10, 2004 1 session

Three (3) Hearing sessions with the Panel @ \$750.00 = \$2,250.00
Hearing Dates: June 28, 2004 2 sessions
June 29, 2004 1 session

Total Forum Fees = \$4,200.00

The Panel has assessed the total forum fees of \$4,200.00 to Respondent SSB.

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.

No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$ 225.00
Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 225.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent SSB is solely liable for:

Member Fees	= \$ 3,550.00
<u>Forum Fees</u>	= \$ 4,200.00
Total Fees	= \$ 7,750.00
<u>Less payments</u>	= \$ 3,550.00
Balance Due NASD Dispute Resolution	= \$ 4,200.00

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

ARBITRATION PANEL

<i>Robert D. Herschman, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Howard J. Swibel, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Howard L. Cohan</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

/s/
Robert D. Herschman, Esq.
Public Arbitrator, Presiding Chairperson

06/30/04
Signature Date

/s/
Howard J. Swibel, Esq.
Public Arbitrator

06/30/04
Signature Date

/s/
Howard L. Cohan
Non-Public Arbitrator

06/30/04
Signature Date

07/01/04
Date of Service (For NASD Dispute Resolution office use only)

FROM : NASD

FAX NO. : 5614474915

Jun. 30 2004 09:54AM P6

NASD Dispute Resolution
 Arbitration No. 02-02060
Award Page 4

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 Howard J. Swibel, Esq.
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Public Arbitrator, Presiding Chairperson
 Public Arbitrator
 Non-Public Arbitrator

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6/30/04
 Signature Date

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 Public Arbitrator

Signature Date

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 Non-Public Arbitrator

Signature Date

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FROM : NASD

Jun. 30 2004 09:36AM P5

NASD Dispute Resolution
Arbitration No. 02-02060
Award Page 4

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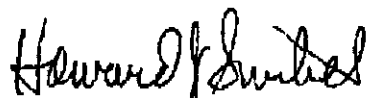
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- Public Arbitrator
- Non-Public Arbitrator

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Public Arbitrator, Presiding Chairperson

Signature Date


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Public Arbitrator

6/30/04
Signature Date

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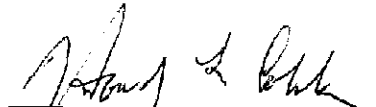
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