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

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In the Matter of the Arbitration Between:

Names of the Claimants

Guy K. Van Dahm and Sharon Van Dahm JTWROS  
Sharon Van Dahm IRA

Case Number: 03-03398

Names of the Respondents

Citigroup Global Markets, Inc.  
f/k/a Salomon Smith Barney, Inc.  
Scott Keiber

Hearing Site: Orlando, Florida

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

**REPRESENTATION OF PARTIES**

For Guy K. Van Dahm and Sharon Van Dahm JTWROS and Sharon Van Dahm IRA, hereinafter collectively referred to as "Claimants": James Richard Hooper, Esq., Hooper & Weiss, L.L.C., Orlando, Florida.

For Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. ("Citigroup") and Scott Keiber ("Keiber"), hereinafter collectively referred to as "Respondents": Michael A. Sexton, Esq., Gray, Harris & Robinson, P.A., Tampa, Florida.

**CASE INFORMATION**

Statement of Claim filed on or about: May 8, 2003.

Claimants signed the Uniform Submission Agreement: June 18, 2003.

Statement of Answer filed by Respondents on or about: August 14, 2003.

Respondent Citigroup signed the Uniform Submission Agreement: August 27, 2003.

Respondent Keiber signed the Uniform Submission Agreement: December 17, 2003.

**CASE SUMMARY**

Claimants alleged the following causes of action: 1) unsuitability; 2) breach of contract; 3) breach of fiduciary duty – the duties of care, loyalty, full disclosure, fair dealing and good faith; 4) violation of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 adopted thereunder; 5) common law fraud; 6) violation of SRO rules; 7) negligence; 8) failure to supervise; and 9) *respondeat superior*. The causes of action relate to investments in shares of stock, including but not limited to, Intel, Nortel, Oracle, AOL, Nokia, Sun Microsystems, and WorldCom.

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

### **RELIEF REQUESTED**

Claimants requested: 1) compensatory damages in the amount of \$135,891.48; 2) disgorgement of all commissions, fees and other charges paid by Claimants to Respondents; 3) interest; 4) punitive damages; 5) costs; 6) attorneys' fees; and 7) such other relief the undersigned arbitrators (the "Panel") deemed just and proper.

Respondents requested: 1) dismissal, with prejudice, of the Statement of Claim in its entirety; 2) assessment of all costs against Claimants; and 3) expungement of all reference to the above captioned arbitration from Respondent Keiber's registration records maintained by the NASD Central Registration Depository ("CRD").

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

On or about November 9, 2004, Claimants filed their notice of settlement.

On or about February 9, 2005, the parties filed their Joint Motion For Entry of Stipulated Arbitration Award. On or about February 15, 2005, the Panel granted the parties' Joint Motion For Entry of Stipulated Arbitration Award.

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

### **AWARD**

After considering the pleadings and the Joint Motion For Entry of Stipulated Arbitration Award, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants' claims are dismissed in their entirety, with prejudice.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Keiber's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Keiber must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. Any and all other requests for relief, including requests for attorneys' fees, costs and expenses associated with this arbitration, are denied.

### **FEES**

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), the following fees are assessed:

**Filing Fees**

NASD 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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Respondent Citigroup is a member firm and a party.

Member surcharge = \$1,700.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$2,750.00

**Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

On or about September 16, 2004, the parties filed their joint request to mediate through NASD Dispute Resolution and to adjourn the evidentiary hearing scheduled for October 11 - 14, 2004. Pursuant to Rule 10403 of the Code, NASD Dispute Resolution adjourned the evidentiary hearing and waived the adjournment fee in the amount of \$1,125.00.

**Three-Day Cancellation Fees**

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

There were no three-day cancellation fees assessed during these proceedings.

**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.

There were no injunctive relief fees assessed during these proceedings.

**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 Panel @ \$1,125.00 per session = \$1,125.00

Pre-hearing conference: December 8, 2003 1 session

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Total Forum Fees = \$1,125.00

The Panel has assessed forum fees in the amount of \$562.50 to Claimants, jointly and severally.

The Panel has assessed forum fees in the amount of \$562.50 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 during these proceedings.

**Fee Summary**

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	<u>= \$ 562.50</u>
Total Fees	= \$ 862.50
<u>Less payments</u>	<u>= \$ 862.50</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Citigroup is solely liable for:

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

Respondents are jointly and severally liable for:

<u>Forum Fees</u>	<u>= \$ 562.50</u>
Total Fees	= \$ 562.50
<u>Less payments</u>	<u>= \$ 562.50</u>
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.

**ARBITRATION PANEL**

Cindy L. Anderson	-	Public Arbitrator, Presiding Chairperson
Thomas K. Goldie	-	Public Arbitrator
Stephen A. Saker	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

                    /s/                      
Cindy L. Anderson  
Public Arbitrator, Presiding Chairperson

February 21, 2005  
Signature Date

                    /s/                      
Thomas K. Goldie  
Public Arbitrator

February 22, 2005  
Signature Date

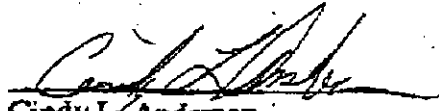
                    /s/                      
Stephen A. Saker  
Non-Public Arbitrator

February 22, 2005  
Signature Date

February 22, 2005  
Date of Service (For NASD Dispute Resolution office use only)

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Concurring Arbitrators' Signatures



Cindy L. Anderson  
Public Arbitrator, Presiding Chairperson

02/21/05  
Signature Date

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Thomas K. Goldie  
Public Arbitrator

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Signature Date

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Stephen A. Saker  
Non-Public Arbitrator

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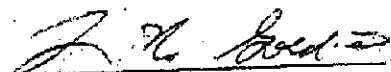
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Public Arbitrator

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