
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Judy Dees

Case Number: 03-04169

Names of the Respondents

Salomon Smith Barney, Inc. ,

Richard Sanfilippo

Hearing Site: Orlando, Florida

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

REPRESENTATION OF PARTIES

For Judy Dees, hereinafter referred to as "Claimant": Robert Dyer, Esq., Allen, Dyer, Doppelt, Milbreth & Gilchrist, P.A., Orlando, Florida.

For Salomon Smith Barney, Inc. ("SSB") and Richard Sanfilippo ("Sanfilippo"), hereinafter collectively referred to as "Respondents": Tucker H. Byrd, Esq., Greenberg Traurig, P.A., Orlando, Florida.

CASE INFORMATION

Statement of Claim filed on or about: June 4, 2003.

Claimant signed the Uniform Submission Agreement: May 8, 2003.

Statement of Answer filed by Respondents on or about: October 13, 2003.

Respondent SSB signed the Uniform Submission Agreement: October 13, 2003.

Respondent Sanfilippo did not file an executed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: violations of the Florida Securities Investor Protection Act, the Securities Act of 1934, the Securities Exchange Act of 1933, and state and federal common law fraud; misrepresentation; unsuitability; and, negligent supervision. The causes of action relate to Claimant's investments in unspecified equities and equity-based global and technology mutual funds.

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 in the amount of \$308,000.00, costs and reasonable attorneys' fees.

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

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Sanfilippo 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:

The Panel found no liability on any claims. Accordingly, Claimant's claims are dismissed, with prejudice.

The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Sanfilippo'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, Respondent Sanfilippo must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

All other claims for relief not specifically addressed herein, including Claimant's claims for relief pursuant to the Florida Securities Investor Protection Act, the Securities Act of 1934 and the Securities Exchange Act of 1933, as well as Claimant's request for attorneys' fees, 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 member firm and a party.

| | |
|-------------------------|--------------|
| Member Surcharge | = \$1,700.00 |
| Pre-hearing process fee | = \$ 750.00 |
| Hearing process fee | = \$2,750.00 |
| Total Member Fees | = \$5,200.00 |

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were assessed in this matter.

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.

No three-day cancellation fees were 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: March 1, 2003 1 session | |
| Seven (7) Hearing sessions @ \$1,125.00/session | = \$7,875.00 |
| Hearing Dates: April 25, 2005 2 sessions | |
| April 26, 2005 3 sessions | |
| April 27, 2005 2 sessions | |
| Total Forum Fees | = \$9,000.00 |

The Panel has assessed forum fees of \$4,500.00 to Claimant.

The Panel has assessed forum fees of \$4,500.00 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 are 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 | = \$4,500.00 |
| Total Fees | = \$4,800.00 |
| Less Payments | = \$1,425.00 |
| Balance Due NASD Dispute Resolution | = \$3,375.00 |

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Respondent SSB is solely liable for:

| | |
|-------------------------------------|--------------|
| 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 | = \$4,500.00 |
| Total Fees | = \$4,500.00 |
| Less Payments | = \$ 250.00 |
| Balance Due NASD Dispute Resolution | = \$4,250.00 |

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

ARBITRATION PANEL

| | | |
|-----------------------------|---|--|
| Charles Tindell, Esq. | - | Public Arbitrator, Presiding Chairperson |
| Kenneth J. Bennett | - | Public Arbitrator |
| Richard Frederick Schaufert | - | Non-Public Arbitrator |

Concurring Arbitrators' Signatures

/s/ _____
Charles Tindell, Esq.
Public Arbitrator, Presiding Chairperson

May 9, 2005
Signature Date

/s/ _____
Kenneth J. Bennett
Public Arbitrator

May 6, 2005
Signature Date

/s/ _____
Richard Frederick Schaufert
Non-Public Arbitrator

May 6, 2005
Signature Date

May 9, 2005
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution

Administrative Fee \$1,000.00

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Respondent SSB is solely liable for:

| | |
|-------------------------------------|--------------|
| Administrative Fee | = \$1,000.00 |
| Total Fees | = \$1,000.00 |
| Less Payments | = \$0.00 |
| Balance Due NASD Dispute Resolution | = \$1,000.00 |

Respondents are jointly and severally liable for:

| | |
|-------------------------------------|--------------|
| Administrative Fee | = \$1,000.00 |
| Total Fees | = \$1,000.00 |
| Less Payments | = \$0.00 |
| Balance Due NASD Dispute Resolution | = \$1,000.00 |

All monies are payable to NASD Dispute Resolution and not to the arbitrator.

ADMINISTRATIVE FEES

Charles Tindell, Esq.
Kenneth J. Bennett
Richard Frederick Schenker

Public Arbitrator
Non-Public Arbitrator

Consenting Arbitrators' Signatures



Charles Tindell, Esq.
Public Arbitrator

5-9-05
Signature Date

Kenneth J. Bennett
Public Arbitrator

Signature Date

Richard Frederick Schenker
Non-Public Arbitrator

Signature Date

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NASD Dispute Resolution
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Respondent SSB is solely liable for:

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| 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:

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| Forum Fees | = \$4,500.00 |
| Total Fees | = \$4,500.00 |
| Less Payments | = \$ 250.00 |
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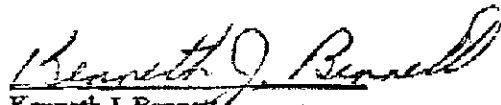
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| Kenneth J. Bennett | - | Public Arbitrator |
| Richard Frederick Schaufert | - | Non-Public Arbitrator |

Concurring Arbitrators' Signatures

Charles Tindell, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Kenneth J. Bennett
Public Arbitrator

5/6/05

Signature Date

Richard Frederick Schaufert
Non-Public Arbitrator

Signature Date

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

Respondents are jointly and severally liable for:

| | |
|--|--------------|
| <u>Forum Fees</u> | = \$4,500.00 |
| <u>Total Fees</u> | = \$4,500.00 |
| <u>Less Payments</u> | = \$ 250.00 |
| <u>Balance Due NASD Dispute Resolution</u> | = \$4,250.00 |

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

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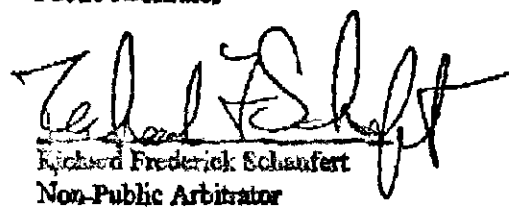
Concurring Arbitrators' Signatures

Charles Tindell, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Kenneth J. Bennett
Public Arbitrator

Signature Date


Richard Frederick Schaufert
Non-Public Arbitrator

5-6-05
Signature Date

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