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**Stipulated Award  
NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Name of the Claimant  
Virginia M. Lazar

Case Number: 04-00935

Names of the Respondents  
Citigroup Global Markets, Inc.  
f/k/a Salomon Smith Barney, Inc.  
Abbey Ajayi  
Mike Fuentes  
Lisa Spada

Hearing Site: Boca Raton, Florida

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

**REPRESENTATION OF PARTIES**

For Virginia M. Lazar, hereinafter referred to as "Claimant": Alan Foxman, Esq., The Law Offices of Alan Foxman, P.A., Boca Raton, Florida.

For Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. ("Citigroup"), Abbey Ajayi ("Ajayi"), Mike Fuentes ("Fuentes") and Lisa Spada ("Spada"), hereinafter collectively referred to as "Respondents": Neil B. Solomon, Esq., Greenberg Traurig, P.A., West Palm Beach, Florida.

**CASE INFORMATION**

Statement of Claim filed on or about: February 12, 2004.  
Claimant signed the Uniform Submission Agreement: February 5, 2004.  
Statement of Answer filed by Respondents on or about: May 24, 2004.  
Respondent Spada signed the Uniform Submission Agreement: April 6, 2004.  
Respondent Citigroup did not file an executed Uniform Submission Agreement.  
Respondent Ajayi did not file an executed Uniform Submission Agreement.  
Respondent Fuentes did not file an executed Uniform Submission Agreement.

**CASE SUMMARY**

Claimant alleged unsuitability, unjustified risk investment objectives, failure to diversify, failure to advise of risk, failure to minimize losses and failure to supervise. The causes of action relate to Claimant's investments in various common stocks, corporate bonds and a GoldenSelect DVA Plus variable annuity.

Respondents generally and specifically denied each and every allegation made by Claimant.

### **RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$72,332.00, inclusive of all costs in pursuing this arbitration, interest in the amount of \$750.00, and punitive damages in the amount of \$100,000.00.

Respondents requested that all claims asserted by Claimant be dismissed in their entirety.

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

Respondents Citigroup, Ajayi, and Fuentes did not file with NASD Dispute Resolution properly executed Uniform Submission Agreements but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having answered the claim, are bound by the determination of the Panel on all issues submitted.

On or about September 21, 2005, Claimant notified NASD Dispute Resolution that she had voluntarily dismissed with prejudice all claims against Respondents Ajayi, Fuentes and Spada and that Claimant had reached a settlement of her claims with Respondents.

On or about October 21, 2005, the parties filed with NASD Dispute Resolution a proposed Stipulated Award for the Panel's consideration, which contained a request for expungement of this matter from the NASD Central Registration Depository ("CRD") records of Respondents Ajayi, Fuentes and Spada.

The parties have agreed the Stipulated Award in this matter may be executed in counterpart copies.

### **AWARD**

After considering the pleadings and the parties' request for the entry of a Stipulated Award, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

All claims against Respondents are hereby dismissed with prejudice.

The Panel recommends the expungement of all reference to the above captioned arbitration from Respondents Ajayi, Fuentes and Spada's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents Ajayi, Fuentes and Spada must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

All other requests 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 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. In this matter, the member firm, Citigroup is a party and member firm.

Member Surcharge	\$1,700.00
Pre-hearing Process Fee	\$ 750.00
<u>Hearing Process Fee</u>	<u>\$2,750.00</u>
Total Member Fees	\$5,200.00

**Adjournment Fees:**

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournment fees assessed during these proceedings.

**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 arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with the Panel @ \$1,125.00/session	= \$2,250.00
Pre-hearing conferences:	
August 12, 2004	1 session
July 12, 2005	1 session
<hr/> Total Forum Fees	<hr/> = \$2,250.00

The Panel has assessed \$1,125.00 of the forum fees to Claimant.

The Panel has assessed \$1,125.00 of the forum fees 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**

Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	<u>= \$1,125.00</u>
Total Fees	= \$1,425.00
<u>Less Payments</u>	<u>= \$1,425.00</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>= \$1,125.00</u>
Total Fees	= \$1,125.00
<u>Less Payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$1,125.00

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

**ARBITRATION PANEL**

Ellen J. Abrams	- Public Arbitrator, Presiding Chairperson
Richard Charles Hotvedt, Esq.	- Public Arbitrator
Leon J. Steiner	- Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

\_\_\_\_\_/s/\_\_\_\_\_  
Ellen J. Abrams  
Public Arbitrator, Presiding Chairperson

November 4, 2005  
Signature Date

\_\_\_\_\_/s/\_\_\_\_\_  
Richard Charles Hotvedt, Esq.  
Public Arbitrator

November 9, 2005  
Signature Date

\_\_\_\_\_/s/\_\_\_\_\_  
Leon J. Steiner  
Non-Public Arbitrator

November 7, 2005  
Signature Date

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

**Administrative Costs**

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Richard Charles Hotvedt, Esq.	- Public Arbitrator
Leon J. Steiner	- Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

  
Ellen J. Abrams  
Public Arbitrator, Presiding Chairperson

Nov. 4, 2005  
Signature Date

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Richard Charles Hotvedt, Esq.  
Public Arbitrator

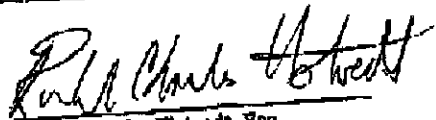
Leon J. Steiner  
Leon J. Steiner  
Non-Public Arbitrator

Signature Date

11/7/05  
Signature Date

Date of Service (For NASD Dispute Resolution use only)

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Richard Charles Hotvedt, Esq.  
Public Arbitrator

\_\_\_\_\_  
Leon J. Steiner  
Non-Public Arbitrator

\_\_\_\_\_  
Date of Service (For NASD Dispute Resolution use only)

November 9, 2005  
Signature Date

\_\_\_\_\_  
Signature Date