

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Douglas G. Weaver IRA (Claimant) v. Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. and Matthew L. Lalonde (Respondents)

Case Number: 04-01351

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

Claimant Douglas G. Weaver IRA ("Weaver") hereinafter referred to as "Claimant": Richard A. Joel, Esq., Joel & Joel, LLP, Oradell, NJ. Previously *pro se*.

Respondents Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. ("Citigroup") and Matthew L. Lalonde ("Lalonde") hereinafter collectively referred to as "Respondents": Ann Parry, Esq., Citigroup Global Markets, Inc., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: February 27, 2004.

Claimant signed the Uniform Submission Agreement: February 25, 2004.

Joint Statement of Answer filed by Respondents on or about: June 10, 2004.

Respondent Citigroup signed the Uniform Submission Agreement: June 7, 2004.

Respondent Lalonde did not sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: failure to follow instructions; unauthorized trading; negligence; and breach of fiduciary duty. The causes of action relate to the unauthorized purchase of a variable annuity.

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 \$27,280.12; interest in the amount

of \$381.92; forum fees in the amount of \$600.00; and witness and production fees.

Respondents requested that Claimant's Statement of Claim be dismissed in its entirety with all costs assessed against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Lalonde did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, and appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

AWARD

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

1. Respondents are jointly and severally liable for and shall pay to Claimant compensatory damages in the amount of \$20,000.00.
2. Any and all relief not specifically addressed herein is 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 = \$150.00

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, Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. is a party.

Member surcharge	= \$ 600.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,000.00

Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with the sole arbitrator @ \$450.00	= \$ 450.00
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Pre-hearing conference: August 13, 2004 1 session

Two (2) Hearing sessions @ \$450.00 = \$ 900.00

Hearing Date: November 9, 2004 2 sessions

Total Forum Fees = \$1,350.00

1. The Arbitrator has assessed \$1,350.00 of the forum fees jointly and severally against Respondents.

Fee Summary

1. Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$ 150.00
Total Fees	= \$ 150.00
<u>Less payments</u>	= \$ 600.00
Refund Due Claimant	= \$ 450.00

2. Respondent Citigroup is solely liable for:

<u>Member Fees</u>	= \$2,350.00
Total Fees	= \$2,350.00
<u>Less payments</u>	= \$2,350.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are jointly and severally liable for:

<u>Forum Fees</u>	= \$1,350.00
Total Fees	= \$1,350.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,350.00

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

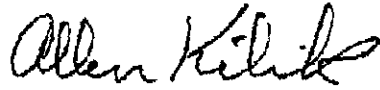
ARBITRATOR

Allen Kilik, Esq.

- Sole Public Arbitrator

Arbitrator's Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



Allen Kilik, Esq.
Sole Public Arbitrator

Signature Date

November 10, 2004
Date of Service (For NASD Dispute Resolution use only)