
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Fred E. Kniazynski
Mercedes De Kniazynski

Case Number: 04-01519

Names of the Respondents

UBS PaineWebber, Inc.
Carlos Weissenberg

Hearing Site: San Juan, Puerto Rico

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

REPRESENTATION OF PARTIES

Fred E. Kniazynski and Mercedes De Kniazynski, hereinafter collectively referred to as "Claimants", appeared pro se.

For UBS PaineWebber, Inc. ("UBS") and Carlos Weissenberg ("Weissenberg"), hereinafter collectively referred to as "Respondents": Rebecca J. Swenson, Associate General Counsel, UBS Financial Services, Inc., Ft. Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed on or about: March 5, 2004.

Claimants signed the Uniform Submission Agreement: February 28, 2004.

Respondent UBS signed the Uniform Submission Agreement: March 22, 2004.

Statement of Answer filed by Respondents on or about: May 15, 2004.

Reply to Statement of Answer filed by Claimants on or about: May 19, 2004.

Respondent Weissenberg signed the Uniform Submission Agreement: May 24, 2004.

CASE SUMMARY

Claimants alleged that the purchase of AOL GOALS in their accounts was not suitable.

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

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$44,856.00, plus interest and costs.

Respondents requested that the claims asserted against them be denied in their entirety and that they be awarded costs, attorney's fees and any other relief deemed just and proper. In addition, Respondent Weissenberg requested an order from the Arbitrator directing the NASD to expunge all references to this matter from his NASD Central Registration Depository ("CRD") records.

OTHER ISSUES CONSIDERED AND DECIDED

On or about September 2, 2004, Claimants notified NASD Dispute Resolution that this matter had been settled.

On or about September 16, 2004, the parties submitted a Joint Motion for Entry of a Stipulated Award and a proposed Stipulated Award with a request that the Arbitrator enter the Stipulated Award expunging this matter from Respondent Weissenberg's NASD CRD records. On or about September 24, 2004, the Arbitrator issued an Order directing Respondent Weissenberg to file an affidavit stating, under oath, that (a) the allegations in the Statement of Claim were without substantial merit, and (b) his NASD CRD record did not reflect other complaints of a similar nature as those herein alleged. Thereafter, on or about October 5, 2004, Respondent Weissenberg filed an Affidavit affirming that the allegations against him personally were without substantial merit and that his NASD CRD record did not reflect any complaints of a similar nature. On or about October 9, 2004, Claimants filed a response to Respondent Weissenberg's Affidavit. On or about November 1, 2004, the Arbitrator granted the request for entry of the Stipulated Award.

AWARD

After considering the pleadings, the proposed Stipulated Award and the record in this matter, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

Claimants' claims are dismissed, with prejudice.

For good cause, the Arbitrator recommends the expungement of all references to the above captioned arbitration from Respondent Weissenberg's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Weissenberg must obtain confirmation from a court of competent jurisdiction before the NASD CRD will execute the expungement directive.

To the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied, with prejudice.

The parties shall each bear all costs and expenses incurred by them in connection with this proceeding including, but not limited to, attorney's fees.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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	= \$ 175.00
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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. In this matter, the member firm UBS PaineWebber, Inc. is a party.

Member surcharge	= \$ 875.00
Pre-hearing process fee	= \$ 750.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were filed 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 cancellations fees were incurred 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.

No injunctive relief fees were incurred in this matter.

Forum Fees and Assessments

Forum fees are assessed 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.

No forum fees were incurred in this matter.

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.

No administrative costs were incurred in this matter.

Fee Summary

Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 175.00
<u>Total Fees</u>	= \$ 175.00
<u>Less payments</u>	= \$ 175.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent UBS is solely liable for:

<u>Member Fees</u>	= \$ 1,625.00
<u>Total Fees</u>	= \$ 1,625.00
<u>Less payments</u>	= \$ 1,625.00
Balance Due NASD Dispute Resolution	= \$ 0.00

ARBITRATOR

John R. Camp, Jr., Esq. - Public Arbitrator, Presiding Chairperson

Arbitrator's Signature

/s/

11/2/04

John R. Camp, Jr., Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

11/3/04

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

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