

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Citigroup Global Markets Inc., f/k/a Salomon Smith Barney Inc., Claimant v. Frank Jesus
Guzman, Respondent

Case Number: 04-02242

Hearing Site: Los Angeles, California

Nature of the Dispute: Member v. Associated Person

REPRESENTATION OF PARTIES

For Claimant:

Jerry N. Evans, Esq.
Hillis Clark Martin & Peterson, P.S.
Seattle, Washington

For Respondent:

In Propria Persona

CASE INFORMATION

Statement of Claim filed: April 1, 2004

Amended Statement of Claim filed: February 4, 2005

Claimant's Uniform Submission Agreement signed: March 26, 2004

Statement of Answer received by Respondent: May 25, 2004

Respondent's Uniform Submission Agreement signed: May 24, 2004

CASE SUMMARY

In the Statements of Claim, Claimant alleged breach of a promissory note.

Respondent asserted that the Claimant's claim was without merit and that an error was made in making the claim against him.

RELIEF REQUESTED

In the Statements of Claim, Claimant requested \$30,000.00 in compensatory damages, pre-judgment interest at the rate of 10% per annum, post-judgment interest at the highest legal rate, and costs, including attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

On February 4, 2005, Claimant filed a Motion to Amend the Statement of Claim pursuant to the NASD Code of Arbitration Procedure Rule 10328(b). No response was received to Claimant's motion. On March 16, 2005, the Arbitrator granted Claimant's Motion to Amend the Statement of Claim.

On April 8, 2004, Claimant's counsel signed a Waiver Agreement on Claimant's behalf expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

Pursuant to the Code of Arbitration Procedure IM-10100, the waiver of the Claimant shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom the Claim has been filed.

The parties agreed that a handwritten, signed Award may be entered.

AWARD

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

- 1) Respondent is liable to and shall pay Claimant the sum of \$30,000.00 in compensatory damages.
- 2) Respondent is liable to and shall pay Claimant pre-hearing interest in the amount of \$4,488.12.
- 3) Respondent is liable to and shall pay Claimant interest at the rate of 4% per annum on the outstanding balance of \$30,000.00 from April 12, 2005 until the date that payment of this Award is made in full.

- 4) The parties shall bear their respective costs, including attorney's fees.
- 5) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 1,000.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Citigroup Global Markets Inc., f/k/a Salomon Smith Barney Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 600.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 1,000.00
Total Member Fees	= \$ 2,350.00

Forum Fees and Assessments

The Arbitrator assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Arbitrator. The following fees are assessed:

1 Pre-hearing conference session with a single arbitrator @ \$ 450.00/session	= \$ 450.00
Pre-hearing conference: November 10, 2004 1 session	
1 Hearing session @ \$450.00/session	= \$ 450.00
Hearing: April 12, 2005 1 session	

Total Forum Fees	= \$ 900.00
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The Arbitrator assessed \$900.00 of the forum fees to Respondent.

Administrative Costs

Administrative costs are expenses incurred because a party requested additional services beyond the normal administrative services. These additional services include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, security, and sundry other requests.

Respondent requested 21 photocopies @ \$0.50 each: = \$ 10.50

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 2,350.00
Total Fees	= \$ 3,350.00
<u>Less payments</u>	<u>= \$(3,800.00)</u>
Refund Due Claimant	= \$(450.00)

2. Respondent is charged with the following fees and costs:

Forum Fees	= \$ 900.00
<u>Administrative Costs</u>	<u>= \$ 10.50</u>
Total Fees	= \$ 910.50
<u>Less payments</u>	<u>= \$(0.00)</u>
Balance Due NASD Dispute Resolution	= \$ 910.50

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

ARBITRATOR

Michael W. Burnett

Non-Public Arbitrator, Presiding Chair

Arbitrator's Signature



Michael W. Burnett
Non-Public Arbitrator

06/02/2005
Signature Date

6/3/05
Date of Service