

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Neil J. Watko

Case Number: 04-03121

Names of the Respondents
Citigroup Global Markets, Inc.,
f/n/a Salomon Smith Barney, Inc.
Lee Oleinick

Hearing Site: Pittsburgh, Pennsylvania

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

REPRESENTATION OF PARTIES

Claimant, Neil J. Watko, hereinafter referred to as "Claimant", was represented by Scott Michael Hare, Esq., Bartony & Hare, LLP, Pittsburgh, Pennsylvania.

Respondents, Citigroup Global Market, Inc., f/k/a Salomon Smith Barney, Inc. ("Citigroup") and Lee Oleinick ("Oleinick"), hereinafter collectively referred to as "Respondents", were represented by Stanley Yorsz, Esq., Buchanan Ingersoll, PC, Pittsburgh, Pennsylvania.

CASE INFORMATION

Statement of Claim filed on April 27, 2004.

Claimant signed the Uniform Submission Agreement on May 12, 2004.

Statement of Answer filed by Respondents on July 12, 2004.

A representative of Respondent Citigroup executed the Uniform Submission Agreement on November 2, 2004.

Respondent Oleinick signed the Uniform Submission Agreement on July 9, 2004.

CASE SUMMARY

Claimant, in his Statement of Claim asserted the following causes of action, among others: negligence and breach of fiduciary duty. The causes of action relate to the purchase and sale of various unspecified securities in a margin account.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: failure to state a claim upon which relief may be granted; statute of limitations; failure to mitigate damages; Respondents did not act with scienter, recklessness or improper intent; all losses were the result of market forces; ratification; and assumption of risk.

RELIEF REQUESTED

Claimant in his Statement of Claim requested:

Compensatory Damages	amount unspecified
Interest	amount unspecified
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondents in their Statement of Answer requested that the Statement of Claim be dismissed in its entirety, and that Respondents be awarded such costs and fees as the Arbitration Panel (the "Panel") deems appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing on the merits, Claimant limited the basis of his claim to the allegation that Respondents negligently failed to follow instructions.

The parties have 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, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety;
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Oleinick's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Oleinick must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130, the arbitration panel has made the following affirmative findings of fact:

The claim, allegation, or information is false.

3. All claims for attorneys' fees are denied in their entirety;

4. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
5. Any and all relief not specifically addressed herein is denied in its entirety.

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	= \$ 250.00
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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 firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly, Respondent Citigroup is a party.

Member surcharge	= \$ 1,500.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,200.00
Total Member Fees	= \$ 4,450.00

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 Panel @ \$ 1,000.00	= \$ 1,000.00
Pre-hearing conference: October 29, 2004 1 session	

Four (4) Hearing sessions @ \$ 1,000.00	= \$ 4,000.00
Hearing Dates: June 27, 2005 2 sessions	
June 28, 2005 2 sessions	

Total Forum Fees	= \$ 5,000.00
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1. The Panel has assessed \$ 2,500.00 of the forum fees to Claimant.
2. The Panel has assessed \$ 2,500.00 of the forum fees to Respondent Citigroup.

FEE SUMMARY

Claimant is assessed and shall pay:

Initial Filing Fee	= \$ 250.00
Forum Fees	= \$ 2,500.00
Total Fees	= \$ 2,750.00

<u>Less payments</u>	<u>= \$ 1,250.00</u>
Balance Due NASD Dispute Resolution	= \$ 1,500.00

Respondent Citigroup is assessed and shall pay:

Member Fees	= \$ 4,450.00
<u>Forum Fees</u>	<u>= \$ 2,500.00</u>
Total Fees	= \$ 6,950.00
<u>Less payments</u>	<u>= \$ 5,200.00</u>
Balance Due NASD Dispute Resolution	= \$ 1,750.00

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

ARBITRATION PANEL

Mark K. Gubinsky, Esq.	-	Public Arbitrator, Presiding Chairperson
J. Deron Gabriel, Esq.	-	Public Arbitrator, Panelist
Raymond Peter Dimuzio, CPA	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Mark K. Gubinsky, Esq.
Public Arbitrator, Presiding Chairperson

7/5/05

Signature Date

Raymond Peter Dimuzio, CPA
Non-Public Arbitrator, Panelist

Signature Date

Dissenting Arbitrator's Signature

J. Deron Gabriel, Esq.
Public Arbitrator, Panelist

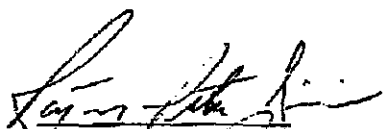
Signature Date

July 5, 2005
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Mark K. Gubinsky, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Raymond Peter Dimuzio, CPA
Non-Public Arbitrator, Panelist



Signature Date

Dissenting Arbitrator's Signature

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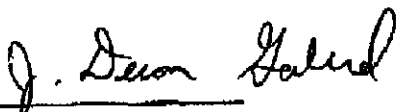
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