

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

MTRS Portland, Inc., Jay Levy, and Diane Levy (Claimants) v. Citicorp Investment Services and Carol Dahl (Respondents)

Case Number: 04-05608

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

Claimants MTRS Portland, Inc., ("MTRS") Jay Levy ("J. Levy"), and Diane Levy ("D. Levy") hereinafter collectively referred to as "Claimants": Mel Urbach, Esq., Law Offices of Mel Urbach, Jersey City, New Jersey and Ken Diamond, Esq., Diamond and Diamond, LLC, New York, New York.

Respondent Citicorp Investment Services ("Citigroup") and Carol Dahl ("Dahl") hereinafter collectively referred to as "Respondents": Anthony Paduano, Esq., Paduano & Weintraub LLP, New York, New York. Previously represented by David Gorfinkel, Esq., Citicorp Investment Services.

CASE INFORMATION

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

Claimant MTRS Portland, Inc signed the Uniform Submission Agreement on or about: June 3, 2004.

Claimant J. Levy signed the Uniform Submission Agreement on or about: June 3, 2004.

Claimant D. Levy signed the Uniform Submission Agreement on or about: June 3, 2004.

Statement of Answer filed by Respondents Citicorp Investment Services and Carol Dahl on or about: October 4, 2004.

Respondent Citicorp signed the Uniform Submission Agreement on or about: October 1, 2004.

Respondent Dahl signed the Uniform Submission Agreement on or about: September 29, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty, breach of contract, failure to supervise, negligence, unsuitability, fraud, and violations of NASD Conduct Rule 3010 and New York Stock Exchange Rule 342. The causes of action relate to mutual fund investments and self-directed trading losses.

Unless specifically admitted in their Answer, Respondents Citicorp Investment Services and Carol Dahl denied the allegations of wrongdoing set forth in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested \$1,000,000.00 in compensatory damages, interest, costs, attorneys' fees, and \$1,000,000.00 in punitive damages.

Respondents requested dismissal of the Statement of Claim in its entirety, costs, attorneys' fees and the expungement of Dahl's regulatory records.

OTHER ISSUES CONSIDERED AND DECIDED

On July 17, 2006, Claimants and Respondents entered into a confidential settlement agreement.

On August 3, 2006, Claimant withdrew with prejudice all claims against respondent Carol Dahl.

The parties entered into an agreement to present to the Panel a Stipulated Award.

Pursuant to the parties' agreement, Respondents agreed to bear all NASD costs in connection with the request for expungement.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

Now, in lieu of a hearing and upon motion of all parties for an entry of an award and the written stipulation thereto, the Panel, based upon its affirmative finding pursuant to Rule 2130 of the NASD Manual, grants the motion and enters this award granting the following relief:

1. Claimants' claims as against Citicorp Investment Services and Carol Dahl are

dismissed in their entirety with prejudice.

2. All parties are to bear their own costs and fees, except that Respondents shall bear the fees of the mediator in this matter and Respondents shall bear all NASD fees that were outstanding as of July 17, 2006, up to a total of \$1,000.00. NASD fees in excess of that sum shall be split evenly between Claimants, on the one hand, and Respondents, on the other hand.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Carol Dahl's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 04-16, Respondent Carol Dahl 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 factually impossible or clearly erroneous;

4. Any and all relief not specifically addressed herein, including punitive damages 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	= \$ 500.00
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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 persons at the time of the events giving rise to the dispute. In this matter, Citicorp Investment Services is a party.

Member Surcharge	= \$2,800.00
Pre-Hearing Process Fee	= \$ 750.00

Hearing Process Fee	= \$5,000.00
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Adjournment Fees

The following adjournment fees are assessed:

July 12-13, 2005 and July 26-27, 2005 adjournment requested by all parties= Waived

Forum Fees and Assessments

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

One (1) Pre-hearing conference session with the Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: December 20, 2004 1 session	

One (1) Hearing session with the Panel @ \$1,200.00/session	= \$1,200.00
Hearing date: September 18, 2006 1 session	

Total Forum Fees	= \$2,400.00
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1. Pursuant to the parties' agreement, Claimants, jointly and severally, are assessed \$100.00 of the forum fees.
2. Pursuant to the parties' agreement, Respondents, jointly and severally, are assessed \$2,300.00 of the forum fees.

Fee Summary

1. Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 500.00
Forum Fees	= \$ 100.00
Total Fees	= \$ 600.00
Less payments	= \$1,700.00
Refund Due Claimant	= \$1,100.00
2. Respondent Citicorp Investment Services is solely liable for:

Member Fees	= \$8,550.00
Total Fees	= \$8,550.00
Less payments	= \$8,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00
3. Respondents are jointly and severally liable for:

Forum Fees	= \$2,300.00
Total Fees	= \$2,300.00
Less payments	= \$2,000.00

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Balance Due NASD Dispute Resolution

= \$ 300.00

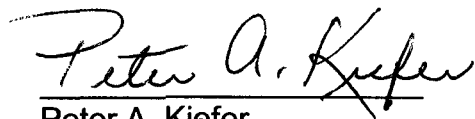
All balances are due and payable to NASD Dispute Resolution.

ARBITRATION PANEL

Peter A. Kiefer	-	Public Arbitrator, Presiding Chairperson
Alexander Forti	-	Public Arbitrator
Thomas W. Smith, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' 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.



Peter A. Kiefer
Public Arbitrator, Presiding Chairperson

10/16/06
Signature Date

Alexander Forti
Public Arbitrator

Signature Date

Thomas W. Smith, Esq.
Non-Public Arbitrator

Signature Date

October 20, 2006
Date of Service (For NASD office use only)

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