

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 05-01446

John Herbert Black, Jr., (Claimant) vs. Citigroup Global Markets, Inc., Jeffrey L. Sweitzer, Matthew J. Muller, Sr. and Randy Matz, (Respondents)

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**ATTORNEYS:**

For Claimant appeared Robert G. McIver, Esq., of the firm Hunter, Higgins, Miles, Elam & Benjamin, PLLC, Greensboro, NC.

For Respondents appeared Meg G. Cox, Esq., of the firm Kennedy Covington Lobdell & Hickman, L.L.P., Charlotte, NC.

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**NATURE OF DISPUTE:** Customer v. Member and Associated Persons

**DATE FILED:** March 15, 2005

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**CASE SUMMARY:** Claimant alleged that Respondents placed him in investments that were unsuitable for his needs. Claimant further alleged breach of contract, breach of fiduciary duty and failure to supervise. Claimant maintained that due to Respondents' actions, he suffered financial losses. Claimant's claim involved various common stock and mutual funds.

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**Claim Data**

Claim: \$25,000.00  
Interest: Unspecified

Attorney Fees: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

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**Award Data**

Award: \$25,000.00  
Interest: granted at the rate of 6% per annum from June 1, 2000- September 30, 2002.  
Attorney Fees: \$.00  
Filing Fees: \$425.00  
Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents are jointly and severally liable and shall pay to the Claimant \$25,000.00. 2) All requests for attorney fees are denied. 3) Respondents are jointly and severally liable and shall pay to the Claimant interest at the rate of 6% per annum from June 1, 2000 until September 30, 2002. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 6) Respondents are jointly and severally liable and shall pay Claimant \$425.00 as reimbursement of the filing fee. 7) Respondents Jeffrey L. Sweitzer, Matthew J. Muller, Sr. and Randy Matz's request for expungement from their Central Registration Depository ("CRD") records is denied.

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OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Citigroup Global Markets, Inc., has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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N. John Garcia

Sole Public Arbitrator

AFFIRMATION

I, N. John Garcia, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

N. John Garcia  
N. John Garcia

11-14-05  
(Signature Date)

November 15, 2005  
Date of Service (For NASD-DR office use only)