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HURST ROBERT J/NY Form 4

January 13, 2003

UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

FORM 4

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

| Section 30(h) of the Investment Company Act of 1940 | | | | | | | | |
|---|--|---------------------------------------|------------|--|--|--|--|--|
| [] Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b). | | | | | | | | |
| 1. Name and Address of Report | ing Person* | | | | | | | |
| Hurst, | Robert | J. | | | | | | |
| (Last) c/o Goldman, Sachs & Co. 85 Broad Street | (First) | (Middle) | | | | | | |
| | (Street) | | | | | | | |
| New York, | New York | 10004 | | | | | | |
| (City) | (State) | (Zip) | | | | | | |
| 2. Issuer Name and Ticker or The Goldman Sachs Group, (GS) | | | | | | | | |
| 3. I.R.S. Identification Numb | er of Reporting Perso | on, if an entity (voluntary | -=== ?) | | | | | |
| 4. Statement for Month/Day/Ye | ====================================== | | -=== | | | | | |
| January 9, 2003 | | | | | | | | |
| 5. If Amendment, Date of Orig | inal (Month/Day/Year |) | | | | | | |
| 6. Relationship of Reporting (Check all applicable) | Person(s) to Issuer | | | | | | | |
| [X] Director [] Officer (give titl | e below) [|] 10% Owner] Other (specify below | ۷) | | | | | |
| Director | and Vice Chairman o | f the Board | | | | | | |
| 7. Individual or Joint/Group | Filing (Check Applica | able Line) | -=== | | | | | |

[X] Form filed by One Reporting Person

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[] Form filed by More than One Reporting Person

Table I -- Non-Derivative Securities Acquired, Disposed of,

or Beneficially Owned

| | or beneficially owned | | | | | | | |
|--|-----------------------------------|----------------------|-------------|--|--|--|--|--|
| | | | | | | | | |
| | 2. Transaction | Deemed | Transaction | 4. A. A. A. A. | | | | |
| 1. Title of Security (Instr. 3) | Date | Date, if any(Month/ | (Instr. 8) | - Amount or Price T | | | | |
| Common Stock, par value \$0.01 per share | 01/09/03 | | | | | | | |
| Common Stock par value \$0.01 per share | | | | | | | | |
| Common Stock par value \$0.01 per share | | | | | | | | |
| Common Stock par value \$0.01 per share | | | | | | | | |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

FORM 4 (continued)

Table II -- Derivative Securities Acquired, Disposed of, or Beneficially Owne (e.g., puts, calls, warrants, options, convertible securities)

| ========== | | | | | | |
|------------|-------|---------|-------------|----------------|------------------|------------------|
| | 1 | | | 1 | 1 | |
| | 12. | 1 | 1 | 1 | 1 | 1 |
| | Con- | | | 1 | | I |
| | ver- | | 3A. | | | I |
| | sion | | De- | 5. | | 17. |
| | or | | emed | Number of | | Title and Amount |
| | Exer- | 1 | Exe- | Derivative | 16. | of Underlying |
| | cise | 1 | cu- 4. | Securities | Date | Securities |
| | Price | 13. | tion Trans- | - Acquired (A) | Exercisable and | (Instr. 3 and 4) |
| | of | Trans- | Date action | or Disposed | Expiration Date | |
| 1. | Der- | action | if Code | of (D) | (Month/Day/Year) | Amount |
| Title of | iva- | Date | any, (Instr | (Instr. 3, | | - or |
| Derivative | tive | (Month/ | (MM/ 8) | 4 and 5) | Date Expira- | Number |
| Security | Secu- | Day/ | DD/ | | - Exer- tion | of |
| (Instr. 3) | rity | Year) | YY) Code V | 7 (A) (D) | cisable Date | Title Shares |

^{*} If the form is filed by more than one reporting person, see Instruction $4\left(b\right)\left(v\right)$.

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| | | | | | | | | | |
|------|---|---|---|-----|---|---|---|---|---|
| 1 | 1 | 1 | | 1 1 | 1 | 1 | 1 | 1 | 1 |
| 1 | 1 | | 1 | | | | | 1 | |

Explanation of Responses:

(1): As trustee of grantor retained annuity trust

By: /s/ Roger S. Begelman January 13, 2003

**Signature of Reporting Person Date

Attorney-in-fact

** Intentional misstatements or omissions of facts constitute Federal Criminal Violations.

See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

Note: File three copies of this Form, one of which must be manually signed. If space provided is insufficient, see Instruction 6 for procedures.

Alternatively, this Form is permitted to be submitted to the Commission in electronic format at the option of the reporting person pursuant to Rule 101(b) (4) of Regulation S-T.