



U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, N.W., Washington, DC 20581

Office of Proceedings

TIMOTHY W. REUTER,
Complainant
v.

UDO ROTMISTRENKO and RITTMEISTER
CAPITAL (d/b/a "UDO ROTMISTRENKO"),
Respondents

CFTC Docket
No. 04-R026

OFFICE OF PROCEEDINGS
PROCEEDINGS CLERK

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DEFAULT ORDER AND REPARATION AWARD

Respondents have not responded to the complaint, leaving them in default. Therefore, this matter will be decided as a default proceeding under CFTC Rule 12.22.

As provided in the rule, the allegations of the complaint are deemed true and respondents are deemed to have waived the opportunity to submit evidence in their own behalf. Based solely on the allegations of the complaint and the documents submitted by complainant, it is concluded that respondents fraudulently mishandled funds deposited for trading in a futures account to be directed by commodity trading advisor Rotmistrenko. These frauds violated Section 40 of the Commodity Exchange Act, and caused complainant to suffer losses in the amount of \$130,127.10, the amount sought in the complaint.

Violations having been found, respondents are ORDERED to pay reparations to complainant in the amount of \$130,127.10, plus prejudgment interest compounded annually at the rate of 2.27 % from August 1, 2003, to the date of payment, plus complainant's costs of \$250.00 representing the filing fee paid in reparations.

No motion to vacate this default under Rule 12.23, will be granted unless it fully complies with ALL requirements of that Rule.

Dated: November 3, 2004

Joel R. Maillie
JOEL R. MAILLIE
Judgment Officer