U.S. COMMODITY FUTURES TRADING COMMISSION
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WILLIAM W. and DIANA W. SCHNABEL, Complainants	)	
v.	)	CFTC Docket No. 05-R040
JOHN SPERO KARVELAS and VANKAR TRADING CORP., Respondents	)	

FINAL DECISION

Complainants initiated this reparations case selecting a voluntary decisional proceeding, a choice concurred in by the respondents. In a voluntary proceeding, the parties submit their dispute on the papers only, waiving their right to present oral testimony. In addition, the judge is not authorized to conduct discovery on his own motion (see Rule 12.34), leaving the parties solely responsible for the development of the record. When the record is closed, the judge issues a Final Decision containing only a conclusion whether any violations of the Commodity Exchange Act have been proven, and, if so, a reparation award for any damages caused by such violations (see Rule 12.106(b)). The decision does not contain findings of fact or other evidentiary evaluations by the judge. The Final Decision is not appealable to the Commission or to any court.

In this matter, both sides took discovery and both sides submitted verified final statements. On this record, it is determined that complainants have not carried their burden of demonstrating by a preponderance of the evidence that respondents withheld material information relating to the trading program utilized by complainants. Therefore, this allegation of the complaint is DISMISSED. However, it is also determined that complainants have carried their burden of demonstrating by a preponderance of the evidence that respondent Vankar Trading Corp., but not respondent Karvelas, violated Section 166.2 of the Commission's Regulations by exercising discretion, and as a result unnecessarily delaying, in carrying out complainants' instructions to liquidate their account rather than carrying out those instructions when received on November 23, 2004. The unauthorized discretionary trading decisions made by respondent resulted in complainants' loss of $1,179.

Violations having been found, respondent Vankar Trading Corp. is ORDERED to pay reparations to complainants in the amount of $1,179, plus $50 in costs as the amount of complainants' filing fee. The complaint against Karvelas is DISMISSED.

Dated: February 10, 2006

Joel R. Maillie

JOEL R. MAILLIE
Judgment Officer