

Commodity Futures Trading Commission
CEA CASES

NAME: ARNOLD B. HOLLAND, WILLIAM B. BRODSKY, WILLIAM B. BRODSKY & COMPANY, INC.,
HOLLAND COMMODITIES CORPORATION AND HOLLAND OVSON COMPANY

CITATION: 12 Agric. Dec. 1257

DOCKET NUMBER: 59

DATE: NOVEMBER 23, 1953

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AGRICULTURE DECISIONS

BEFORE THE SECRETARY OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

(No. 3692)

In re ARNOLD B. HOLLAND, WILLIAM B. BRODSKY, WILLIAM B. BRODSKY & COMPANY, INC.,
HOLLAND COMMODITIES CORPORATION AND HOLLAND OVSON COMPANY. CEA Docket No. 59.
Decided November 23, 1953.

Suspension of Registration -- Denial of Trading Privileges

Upon respondent's admission of certain jurisdictional facts, waiver of oral hearing, consent to entry of the order herein, and stipulation, the registration of A. B. H. and that of W. B. B., as floor brokers under the act, are suspended, and their trading privileges are denied; and the registration of W. B. B. and Company, Inc., and that of H. O. Company, as futures commission merchants, are suspended and their trading privileges are denied, except that with respect to H. O. Company the suspension of registration and refusal of trading privileges are held in abeyance.

Mr. Benjamin M. Holstein for Commodity Exchange Authority. *Mr. Marshall M. Holleb*, of Chicago, Illinois, for respondents. *Mr. Jack W. Bain*, Referee.

Decision by Thomas J. Flavin, Judicial Officer

PRELIMINARY STATEMENT

This is a disciplinary proceeding under the Commodity Exchange Act (7 U.S.C., Chapter 1) instituted by a complaint issued under section 6(b) of the act (7 U.S.C. 9) on July 20, 1953, by the Acting Secretary of Agriculture. In a letter addressed to the Office of the Solicitor and filed with the Hearing Clerk on August 6, 1953, respondent Holland Ovson Company set forth its version of the facts alleged in the complaint and denied any violation of the act. On August 28, 1953, an answer denying the material allegations of the complaint was filed on behalf of respondents Arnold B. Holland and the Holland Commodities Corporation. On the same date, a similar answer was filed on behalf of respondents William B. Brodsky and William B. Brodsky & Company, Inc.

On October 21, 1953, prior to the date set for hearing, respondents Arnold B. Holland, Holland Commodities Corporation, William B. Brodsky, and William B. Brodsky Company, Inc., filed

an amended answer, admission of facts, waiver of hearing, consent to entry of order, and stipulation. This document admits the following jurisdictional facts, among others: That respondents Arnold B. Holland and William B. Brodsky are members of the Chicago Mercantile Exchange and registered floor brokers

under the Commodity Exchange Act, that they were the officers, managers, and sole owners of the Holland-Brodsky Company, a former Illinois corporation and former registered futures commission merchant under the act, that respondent William B. Brodsky & Company, Inc., and the Holland Commodities Corporation, successor to the Holland-Brodsky Company, are Illinois corporations and registered futures commission merchants under the act, and that the Chicago Mercantile Exchange is a duly designated contract market. This document also waives hearing, and consents to the entry of an order suspending registrations and denying trading privileges for a period of twenty (20) days in the case of respondents Arnold B. Holland and the Holland Commodities Corporation, and imposing similar sanctions for a period of ten (10) days in the case of William B. Brodsky and William B. Brodsky & Company, Inc.

The hearing opened in Chicago, Illinois, on October 27, 1953, for the purpose of taking testimony concerning the charges against the remaining respondent, Holland Ovson Company. Jack W. Bain, Office of Hearing Examiners, was assigned as referee and presided at the hearing. Marshall M. Holleb, of Chicago, Illinois, who had represented the other respondents, also represented the Holland Ovson Company. Benj. M. Holstein, Office of the Solicitor, appeared for the complainant. When the hearing opened, prior to the taking of testimony, respondent Holland Ovson Company announced that it was also filing an amended answer and waiver of hearing. The amended answer admits that the Holland Commodities Corporation, formerly the Holland-Brodsky Company, is an Illinois corporation and a registered futures commission merchant under the act, that respondent Holland Ovson Company is an Illinois corporation and a registered futures commission merchant under the act, and that respondent Arnold B. Holland is its vice president. The document waives hearing on the charges in the complaint and consents to the entry of an order suspending the registration of the Holland Ovson Company as a futures commission merchant and denying all trading privileges to it for a period of ten (10) days, such suspension and denial to be held in abeyance for a period of one year conditioned upon observance of the act and regulations during that time.

CONCLUSIONS

Section 0.4 (b) of the Rules of Practice under the Commodity Exchange Act (17 CFR 0.4(b)) provides as follows:

"Consent order. At any time after the issuance of the complaint and prior to the hearing in any proceeding, the Secretary, in his discretion, may allow the respondent to consent to an order. In so consenting, the respondent must submit, for filing in the record, a stipulation or statement in which he admits at least those facts necessary to the Secretary's jurisdiction and agrees that an order may be entered against him. Upon a record composed of the complaint and the stipulation or agreement consenting to the order, the Secretary may enter the order consented to by the respondent, which shall have the same force and effect as an order made after oral hearings."

In accordance with the above rule, it is concluded that the orders consented to by the respective respondents should be issued.

ORDER

Effective on the thirtieth day after the date of this order, the registration of respondent Arnold B. Holland as a floor broker and the registration of the Holland Commodities Corporation as a futures commission merchant are suspended for a period of twenty (20) days. Effective on the same date, all contract markets shall refuse all trading privileges thereon to respondents Arnold B. Holland and the Holland Commodities Corporation, whether for personal, corporate, or customers' accounts, for a period of twenty (20) days.

Effective on the thirtieth day after the date of this order the registration, of respondent William B. Brodsky as a floor broker and the registration of respondent William B. Brodsky & Company, Inc., as a futures commission merchant are suspended for a period of ten (10) days. Effective on the same date all contract markets shall refuse all trading privileges thereon to respondents

William B. Brodsky and William B. Brodsky & Company, Inc., whether for personal, corporate, or customers' accounts, for a period of ten (10) days.

Effective on the thirtieth day after the date of this order, the registration of respondent Holland Ovson Company as a futures commission merchant under the Commodity Exchange Act is suspended for a period of ten (10) days, and effective on the same date all contract markets shall refuse all trading privileges to the

said Holland Ovson Company, whether for corporate or for customers' accounts, for a period of ten (10) days, such suspension of registration and refusal of trading privileges not to become effective unless, within one year from the date of this order the said Holland Ovson Company should, after complaint and hearing in accordance with established procedure, be found to have again violated the act, then and in that event and without further notice a supplemental order in this proceeding may be issued against the said Holland Ovson Company, which supplemental order shall make effective forthwith the aforesaid suspension of registration and refusal of trading privileges.

A copy of this decision and order shall be served on the respondents and on each contract market.

LOAD-DATE: June 8, 2008

