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UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

In the Matter of:	) CFTC Docket No 11-19
	)
Dearborn Trading, Inc., and	) ORDER INSTITUTING PROCEEDINGS
Joel Bronstein,	) PURSUANT TO SECTIONS 6(c) and 6(d),
	) OF THE COMMODITY EXCHANGE ACT,
	) AS AMENDED, MAKING FINDINGS
Respondents.	) AND IMPOSING REMEDIAL
	) SANCTIONS

I.

The Commodity Futures Trading Commission ("Commission") has reason to believe that Joel Bronstein ("Bronstein") and Dearborn Trading, Inc. ("Dearborn") (collectively, "Respondents") violated Commission Regulation ("Regulation") 4.22(c), 17 C.F.R. § 4.22(c) (2009). Accordingly, the Commission deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted to determine whether Respondents engaged in the violations set forth herein and to determine whether any order should be issued imposing remedial sanctions.

II.

In anticipation of the institution of an administrative proceeding, Respondents have submitted an Offer of Settlement ("Offer"), which the Commission has determined to accept. Without admitting or denying any of the findings and conclusions herein, Respondents acknowledge service of this Order Instituting Proceedings Pursuant to Sections 6(c) and 6(d) of the Commodity Exchange Act, as Amended, and Making Findings and Imposing Remedial Sanctions ("Order").[1]

[1] Respondents consent to the use of these findings in this proceeding and in any other proceeding brought by the Commission or to which the Commission is a party; provided, however, that Respondents do not consent to the use of the Offer, or the findings in this Order consented to in the Offer, as the sole basis for any other proceeding brought by the Commission, other than a proceeding in bankruptcy or to enforce the terms of this Order. Respondents also do not consent to the use of the Offer or this Order, or the findings consented to in the Offer or this Order, by any other party in any other proceeding.

III.

The Commission finds the following:

A. Summary

From about January 2009 until approximately June 2009 (the "relevant period"), Dearborn was operating a commodity pool, Dearborn Trading Fund, LLC ("the pool"). The pool ceased operation on or about June 30, 2009 and Respondents failed to file the pool's closing Annual Report (the "liquidation statement") within 90 calendar days after the pool ceased trading, in violation of Regulation 4.22(c), 17 C.F.R. § 4.22(c) (2009).

B. Respondents

Dearborn Trading, Inc. is a registered commodity pool operator ("CPO") and commodity trading advisor ("CTA"), located in Chicago, Illinois. Dearborn was incorporated under the laws of Illinois from October 1, 1992 until March 12, 2010.

Joel Bronstein is the sole owner of Dearborn, and is a registered Associated Person ("AP") and listed Principal of Dearborn. He is a resident of Chicago, Illinois.

C. Facts

During the relevant period, the pool's fiscal year ended on December 31. The pool ceased trading on or about June 30, 2009.

On April 15, 2009, the National Futures Association ("NFA") was told by Respondents that the pool had closed and was in the process of returning customer funds. However, the pool's financial statements indicate that the pool continued trading until approximately June 30, 2009. Between April 15, 2009 and June 4, 2009, the NFA contacted or attempted to contact Bronstein on six separate occasions to inquire about the status of the pool and when the pool's liquidation statement would be filed. From June 4, 2009 through June 23, 2010, the NFA made eighteen additional contacts or attempted contacts with Respondents in continued efforts to ascertain the filing status of the pool's liquidation statement. In or around July 15, 2009, Respondents distributed the remaining funds to the pool participants. Respondents never filed the liquidation statement.

D. Legal Discussion

Regulation 4.22(c), 17 C.F.R. § 4.22(c) (2009), requires that each CPO registered or required to be registered under the Commodity Exchange Act ("Act") must distribute an annual report to each participant in each pool that it operates, and must electronically submit a copy of the report and key financial balances from the report to the NFA pursuant to the electronic filing procedures of the NFA, within 90 calendar days after the end of the pool's fiscal year or the permanent cessation of trading, whichever is earlier, but in no event longer than 90 days after funds are returned to pool participants. After the pool ceased trading on or about June 30, 2009, and the pool participant funds were all distributed by the end of July 2009, Respondents failed to file the pool's liquidation statement with the NFA. Thereby, Dearborn violated Regulation 4.22(c), 17 C.F.R. § 4.22(c) (2009), by failing to file the pool's liquidation statement within 90 days after the cessation of trading.

Bronstein, as Dearborn's owner and principal, controlled Dearborn and did not act in good faith or knowingly induced, directly or indirectly, the acts constituting Dearborn's violation of the Regulations, as discussed above. Consequently, pursuant to Section 13(b) of the Act, 7 U.S.C. § 13c(b) (2006), Bronstein is liable for Dearborn's violation of Regulation 4.22(c), 17 C.F.R. § 4.22(c) (2009), to the same extent as Dearborn.

IV.

FINDINGS OF VIOLATIONS

Based on the foregoing, the Commission finds that Dearborn and Bronstein violated Regulation 4.22(c), 17 C.F.R. § 4.22(c) (2009).

V.

OFFER OF SETTLEMENT

Respondents have submitted the Offer in which they, without admitting or denying the findings herein:

A. Acknowledge receipt of service of this Order;

B. Admit the jurisdiction of the Commission with respect to all matters set forth in this Order;

C. Waive: the filing and service of a complaint and notice of hearing; a hearing; all post-hearing procedures; judicial review by any court; any and all objections to the participation by any member of the Commission's staff in the Commission's consideration of the Offer; any and all claims that it may possess under the Equal Access to Justice Act, 5 U.S.C. § 504 (2006) and 28 U.S.C. § 2412 (2006), and/or Part 148 of the Regulations, 17 C.F.R. §§ 148.1, et seq. (2011), relating to, or arising from, this proceeding; any and all claims that they may possess under the Small Business Regulatory Enforcement Fairness Act of 2006, Pub. L. No. 104-121 §§ 201-253, 110 Stat. 847, 857-868 (1996), as amended by Pub. L. No. 110-28, § 8302, 121 Stat. 112, 204-205 (2007), relating to, or arising from, this proceeding; and any claim of double jeopardy based upon the institution of this proceeding or the entry in this proceeding of any order imposing a civil monetary penalty or any other relief;

D. Stipulate that the record upon which this Order is entered shall consist solely of the findings contained in this Order to which the Respondents have consented; and

E. Consent, solely on the basis of the Offer, to entry of this Order that:

1. makes findings by the Commission that Dearborn and Bronstein violated Regulation 4.22(c), 17 C.F.R. § 4.22(c) (2009);

2. orders Respondents to cease and desist from violating Regulation 4.22(c), 17 C.F.R. § 4.22(c) (2009);

3. orders Respondents to pay, jointly and severally, a civil monetary penalty in the amount of one hundred eighty thousand dollars ($180,000) within ten (10) days of the date of the entry of this Order; and

4. orders that Respondents file the pool's liquidation statement with the NFA, pursuant to the requirements of the Regulations, within 30 days of the entry of this Order.

5. orders Respondents to comply with the undertakings consented to in the Offer and set forth below in Section VI of this Order.

Upon consideration, the Commission has determined to accept Respondents' Offer.

VI.

Accordingly, IT IS HEREBY ORDERED THAT:

1. Respondents shall cease and desist from violating Regulation 4.22(c), 17 C.F.R. § 4.22(c) (2009).

2. Respondents jointly and severally shall pay a civil monetary penalty in the amount of $180,000 within ten (10) days of the date of the entry of this Order. If this civil monetary penalty is not paid within ten (10) days of the date of the entry of this Order, then post-judgment interest shall accrue commencing on the date of entry of this Order and shall be determined by using the Treasury Bill rate prevailing on the date of entry of this Order pursuant to 28 U.S.C. § 1961. Respondents shall pay their civil monetary penalty by making electronic funds transfer, U.S. postal money order, certified check, bank cashier's check, or bank money order. If payment is to be made by other than electronic funds transfer, the payment shall be made payable to the Commodity Futures Trading Commission and sent to the address below:

   Commodity Futures Trading Commission
   Division of Enforcement
   ATTN: Accounts Receivables --- AMZ 340
   E-mail Box: 9-AMC-AMZ-AR-CFTC
   DOT/FAA/MMAC
   6500 S. MacArthur Blvd.
   Oklahoma City, OK 73169
   Telephone: (405) 954-5644

If payment by electronic transfer is chosen, Respondents shall contact Linda Zurhorst or her successor at the above address to receive payment instructions and shall fully comply with those instructions. Respondents shall accompany payment of the civil penalty with a cover letter that identifies Respondents and the name and docket number of this proceeding. Respondents shall simultaneously submit copies of the cover letter and the form of payment to: (1) the Director, Division of Enforcement, Commodity Futures Trading Commission, at the following address: 1155 21st Street, N.W., Washington, D.C. 20581; and (2) the Chief, Office of Cooperative Enforcement, Division of Enforcement, Commodity Futures Trading Commission at the same address.

3. Respondents shall file the pool's liquidation statement with the NFA, pursuant to the requirements of the Regulations, within 30 days of the entry of this Order.

4. Respondents and their successors and assigns shall comply with the following conditions and undertakings as specified:

Actions or Public Statements

Respondents agree that neither they nor any of their successors or assigns, nor any of their agents or employees under their authority or control shall take any action or make any public statement denying, directly or indirectly, any finding or conclusion in this Order, or creating, or tending to create, the impression that this Order is without a factual basis; provided, however, that nothing in this provision shall affect Respondents': (i) testimonial obligations; or (ii) right to take legal positions in other proceedings to which the Commission is not a party. Respondents and their successors and assigns shall undertake all steps necessary to ensure that all of their agents and/or employees under their authority or control understand and comply with this undertaking.

5. Respondents agree that this Order shall inure to the benefit and be binding on successors, assigns, beneficiaries and administrators of Respondents.

The provisions of this Order shall be effective as of this date.

By the Commission.

David A. Stawick
David A. Stawick
Secretary of the Commission
Commodity Futures Trading Commission

Dated: August 25, 2011