

thereof, or by any other person, to induce consent to this Consent Order, other than as specifically contained herein;

3. Acknowledges service of the Summons and Complaint;

4. Admits the jurisdiction of this Court over him and the subject matter of this specific action pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, which authorizes the CFTC to bring an action against any person, including an action for injunctive relief, whenever it shall appear to the Commission that such person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, regulation or order thereunder;

5. Admits that venue properly lies with this Court pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, in that Yunusov transacted business, among other places, in this District, and the acts and practices alleged in the Complaint to be violations of the Act have occurred, among other places, within this District;

6. Waives:

- a. the entry of findings of facts and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure
- b. any and all claims that he 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. (2010), relating to, or arising from, this action;
- c. any and all claims that he may possess under the Small Business Regulatory Enforcement Fairness Act of 1996, 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 action;
- d. 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; and
- e. any and all rights of appeal from this action.

7. Agrees that neither he nor any of his agents or employees under his authority or control shall take any action or make any public statement denying, directly or indirectly, any allegation in the Complaint or findings or conclusions in this Consent Order, or creating, or tending to create, the impression that the Complaint or this Consent Order is without a factual basis; provided, however, that nothing in this provision shall affect Yunusov's: i) testimonial obligations, or ii) right to take legal positions in other proceedings to which the Commission is not a party. Yunusov shall take all steps necessary to ensure that all of his agents and employees under his authority or control understand and comply with this agreement;

8. Neither admits nor denies the allegations contained in the Complaint, except as to jurisdiction and venue, which Yunusov admits. Yunusov does not consent to the use of this Consent Order as the sole basis for any other proceeding brought by the CFTC, other than a proceeding in bankruptcy relating to Defendant, a Commission registration proceeding relating to Defendant, or to enforce the terms of this Consent Order. Solely with respect to any bankruptcy proceeding relating to Defendant, a Commission registration proceeding related to Defendant and any proceeding to enforce this Consent Order, Defendant agrees that the allegations of the Complaint shall be taken as true and correct and be given preclusive effect, without further proof;

9. Agrees to provide immediate notice to this Court and the CFTC by certified mail, in the manner required by Part VII of this Consent Order, of any bankruptcy proceeding filed by, on behalf of, or against him;

10. Agrees that no provision of this Consent Order shall in any way limit or impair the ability of any other person or entity to seek any legal or equitable remedy against Yunusov in any other proceeding; and

11. Consents to the continued jurisdiction of this Court for the purpose of enforcing the terms and conditions of this Consent Order and for any other purpose relevant to this specific action, even if Defendant now or in the future resides or operates outside the jurisdiction;

III. JURISDICTION AND VENUE

12. This Court has jurisdiction over this action pursuant to Section 6c of the Act, as amended, to be codified at 7 U.S.C. § 13a-1, which authorizes the CFTC to bring an action against any person, including an action for injunctive relief, whenever it shall appear to the Commission that such person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, regulation or order thereunder,.

13. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, as amended, to be codified at 7 U.S.C. § 13a-1(e), because Yunusov transacted business, among other places, in this District, and the acts and practices in violation of the Act have occurred, among other places, within this District.

IV. PARTIES TO THIS CONSENT ORDER

14. Plaintiff, Commodity Futures Trading Commission, is an independent federal regulatory agency that is charged by Congress with responsibility for administering and enforcing the provisions of the Act and the Regulations promulgated thereunder. The CFTC is authorized by Section 6c of the Act, 7 U.S.C. § 13a-1, to bring a civil action to enjoin any act or practice constituting a violation of the Act and/or Regulations, to enforce compliance with the Act and/or Regulations, and to seek civil penalties.

15. Defendant, Marat Yunusov, is a Russian national who resides in Kazan, Russia.

V. PERMANENT INJUNCTION

IT IS HEREBY ORDERED THAT:

16. Yunusov is prohibited and permanently enjoined from directly or indirectly:
 - a. violating Section 4c(a) of the Act, as amended, by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII (the CFTC Reauthorization Act of 2008 (“CRA”)), § 13102, 122 Stat. 1651 (enacted June 18, 2008), and the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability Act of 2010), §§701-774, 124 Stat. 1376 (enacted July 21, 2010), to be codified at 7 U.S.C. § 6c(a), by entering into any transaction involving the purchase or sale of any commodity for future delivery (or any option on such a transaction or option on a commodity) or swap that is of the character of, or is commonly known to the trade as, a “wash sale” or “accommodation trade,” or is a fictitious sale, or is used or may be used to cause any price to be reported, registered, or recorded that is not a true and bona fide price, if the transaction is used or may be used to hedge any transaction in interstate commerce in the commodity or the product or byproduct of the commodity; or to determine the price basis of any such transaction in interstate commerce in the commodity; or to deliver any such commodity sold, shipped, or received in interstate commerce for the execution of the transaction; and
 - b. violating Regulation 1.38(a), 17 C.F.R. § 1.38(a) (2010), by engaging in noncompetitive commodity transactions.
17. Yunusov is further prohibited and permanently enjoined from directly or indirectly:
 - a. trading on or subject to the rules of any registered entity (as that term is defined in Section 1a of the Act, as amended, to be codified at 7 U.S.C. § 1a);
 - b. entering into any transactions involving commodity futures, options on commodity futures, commodity options (as that term is defined in Regulation 32.1(b)(1), 17 C.F.R. § 32.1(b)(1) (2010)) (“commodity options”), swaps (as defined in Section 1a of the Act, as amended, to be codified at 7 U.S.C. § 1a), and/or foreign currency (as described in Sections 2(c)(2)(B) and 2(c)(2)(C)(i) of the Act, as amended, to be codified at 7 U.S.C. §§ 2(c)(2)(B) and 2(c)(2)(C)(i)) (“forex contracts”) for any personal or proprietary account or for any account in which he has a direct or indirect interest;
 - c. having any commodity futures, options on commodity futures, commodity options, swaps and/or forex contracts traded on his behalf;
 - d. controlling or directing the trading for or on behalf of any other person or entity, whether by power of attorney or otherwise, in any account involving commodity

futures, options on commodity futures, commodity options, swaps and/or forex contracts;

- e. soliciting, receiving or accepting any funds from any person for the purpose of purchasing or selling any commodity futures, options on commodity futures, commodity options, swaps and/or forex contracts;
- f. applying for registration or claiming exemption from registration with the Commission in any capacity, and engaging in any activity requiring such registration or exemption from registration with the Commission, except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2010); and
- g. acting as a principal (as that term is defined in Regulation 3.1(a), 17 C.F.R. § 3.1(a) (2010)), agent or any other officer or employee of any person registered, exempted from registration or required to be registered with the Commission, except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2010)
- h. provided further, however, that subsections b. through e. only apply to agreements, accounts, contracts, and transactions that are subject to the jurisdiction of the Commission.

18. The injunctive provisions of this Consent Order shall be binding upon Yunusov, upon any person who acts in the capacity of his officer, agent, employee, attorney, successor and/or assign and upon any person who receives actual notice of this Consent Order, by personal service or otherwise, insofar as he or she is acting in active concert or participation with Yunusov.

VI. CIVIL MONETARY PENALTY

IT IS FURTHER ORDERED THAT:

A. Civil Monetary Penalties

18. Upon entry of this Consent Order, Yunusov is liable for and a judgment is entered against him for a civil monetary penalty in the total amount of \$500,000, plus post-judgment interest, as described below:

- a. Yunusov agrees to and shall pay \$85,000 on this \$500,000 civil monetary penalty judgment within five (5) days of the date of entry of this Consent Order.

- b. Yunusov further agrees to and shall pay the remaining \$415,000 portion of this civil monetary penalty judgment by making additional payments of \$41,500 every ninety (90) days after the date of entry of this Consent Order until the civil monetary penalty judgment, plus post-judgment interest, is satisfied in full. Post-judgment interest shall accrue on the remaining \$415,000 portion of this civil monetary penalty judgment beginning on the date of entry of this Consent Order and shall be determined by using the Treasury Bill rate prevailing on the date of entry of this Consent Order pursuant to 28 U.S.C. §1961 (2006).

19. Yunusov shall pay this 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 other than by 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: Marie Bateman – AMZ-300
DOT/FZZ/MMAC
6500 S. MacArthur Blvd.
Oklahoma City, OK 73169
Telephone: (405) 954-6569

If payment by electronic transfer is chosen, the Defendant shall contact Marie Bateman or her successor at the address above to receive payment instructions and shall fully comply with those instructions. The Defendant shall accompany payment of the civil monetary penalty with a cover letter that identifies the Defendant and the name and docket number of this proceeding. The Defendant shall simultaneously transmit a copy of the cover letter and the form of payment to: Director, Division of Enforcement, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581; and Chief, Office of Cooperative Enforcement, Division of Enforcement, at the same address.

VII. MISCELLANEOUS PROVISIONS

IT IS FURTHER ORDERED THAT:

21. Notices: All notices required to be given by any provision in this Consent Order to the Commission shall be sent certified mail, return receipt requested, as follows:

Notice to Plaintiff Commission:
Director of the Division of Enforcement
Commodity Futures Trading Commission
1155 21st Street NW
Washington, DC 20581

Notice to Defendant:
Daniel G. Rosenberg
Attorney for Defendant
K&L Gates LLP
70 West Madison Street, Ste 3100
Chicago, IL 60602

22. Until such time Yunusov satisfies his civil monetary obligation as set forth above in Section VI.A of this Consent Order, in the event that Yunusov changes his residential or business telephone number(s) and/or address(es) at any time, he shall provide written notice of the new number(s) and/or address(es) to the Commission within twenty (20) calendar days thereof.

23. Entire Agreement and Amendments: This Consent Order incorporates all of the terms and conditions of the settlement among the parties hereto. Nothing shall serve to amend or modify this Consent Order in any respect whatsoever, unless: (1) reduced to writing; (2) signed by all parties hereto; and (3) approved by order of this Court.

24. Invalidation: If any provision of this Consent Order, or if the application of any provisions or circumstances is held invalid, the remainder of the Consent Order and the application of the provisions to any other person or circumstance shall not be affected by the holding.

25. Waiver: The failure of any party hereto at any time or times to require performance of any provision hereof shall in no manner affect the right of such party at a later time to enforce the same or any other provision of this Consent Order. No waiver in one or more instances of the breach of any provision contained in this Consent Order shall be deemed to be or construed as a further or continuing waiver of such breach or waiver of the breach of any other provision of this Consent Order.

26. Continuing Jurisdiction of this Court: This Court shall retain jurisdiction over this action for the purpose of enforcing the terms and conditions of this Order and the Consent Order for Permanent Injunction and for any other purpose relevant to this specific action, even if Defendant now or in the future resides or operates outside the jurisdiction;

27. Counterparts and Facsimile Execution. The agreements to this Consent Order may be executed in two or more counterparts, all of which shall be considered one and the same agreement and shall become effective when one or more counterparts have been signed by each of the parties and delivered (by facsimile or otherwise) to the other party, it being understood that all parties need not sign the same counterpart. Any counterpart or other agreement signature that is delivered by facsimile shall be deemed for all purposes as constituting good and valid

execution and delivery by such party of his or its agreement to this Consent Order.

IT IS SO ORDERED on this 4 day of May, 2011.

Elvin Beutels
UNITED STATES DISTRICT JUDGE

CONSENTED TO AND APPROVED BY:

Marat Yunusov, Defendant
[Signature]

Dated: 24.03.11.

And
[Signature]

Daniel G. Rosenberg
Attorney for the Defendant
K&L Gates LLP
70 West Madison Street, Ste 3100
Chicago, IL 60602

Dated: 4/4/11

Commodity Futures Trading
Commission, Plaintiff
[Signature]

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Attorney for Plaintiff
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(312) 596-0545
(312) 596-0714 (fax)
wjanulis@cftc.gov

Dated: 5/3/11