UNITED STATES OF AMERICA Before the U.S. COMMODITY FUTURES TRADING COMMISSION

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Office of Proceedings Proceedings Clerk
3:27 pm, May 09, 2023

Robert L. Copeland, Jr.,) Office Proce 3:27 pm
Complainant-Appellant,)) CFTC Docket No. 18-R026
V.)
TD Ameritrade Futures & Forex, LLC,)
Respondent-Appellee.)
)
)

ORDER

The Commission is in receipt of numerous communications from Appellant Robert L. Copeland, Jr. with regard to his appeal in the above-captioned reparations proceeding. Appellant has made several previous communications and filings with the Commission after the parties submitted their briefings for this appeal. In orders issued on October 19, 2021, and January 7, 2022, the Commission informed Appellant that the record on appeal for this matter is closed, briefing is complete, and if he wished to add material to the record or his brief, he must do so by proper motion.

Several of Appellant's filings request to add further evidence to the record. Commission Rule 12.405 permits the reopening of the evidentiary record on appeal under very limited circumstances. *Shehee v. Ira Epstein & Co.*, CFTC No. 03-R021, 2005 WL 3068054 (Nov. 14, 2005) (citing 17 C.F.R. § 12.405). A party seeking to reopen the record must show that (1) the additional evidence is material and (2) there were reasonable grounds for failing to adduce such evidence before the administrative judge. *McGough v. Bradford*, CFTC No. 97-R116, 2000 WL 33675749 (Sept. 28, 2000).

On January 29, 2022, Appellant filed a document titled "Motion to Have a Verbal Hearing Request for Arkansas Securities Division and NFA Testimony And Relief" with the Commission's Office of Proceedings. In this filing, Appellant seemingly requests the Commission to allow its review of the proceedings to continue by oral argument and to order further testimony for the record. There is no Commission Rule permitting an appeal of a reparations proceeding to proceed solely on oral argument. Further, Appellant does not present a cognizable argument for why the Commission should reopen the record to allow for further testimony.

On February 13 and 20, 2022, Appellant filed several motions to introduce further evidence into the record.² Appellant fails to present any persuasive argument in his motions that any of the documents that he submits are material to his appeal to the Commission and warrants reopening the record.

On November 9, 2022, Appellant submitted an unrelated administrative order without an accompanying motion for its admission or an explanation of the document's relevance. Further, it appears that Appellant did not properly serve Appellee TD Ameritrade Futures & Forex, LLC, with this filing in contravention of 17 C.F.R. § 12.10(a).

On May 1, 2023, Appellant submitted an additional filing titled "Civil Rights Complaint." A review of the document indicates that it does not relate to the substance of Appellant's appeal or present a new complaint against any party. Further, it appears that Appellant did not serve Appellee with this filing in contravention of 17 C.F.R. § 12.10(a).

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Appellant filed the same motion again on January 31, 2022.

² Appellant filed three versions of the same motion titled "Motion To The Commodities Futures Trading Commission" on February 13, 2022, and two nearly-identical versions of another motion titled "Motion to Introduce Evidence" on February 20, 2022.

Accordingly, it is **ORDERED** that Appellant's motion titled "Motion to Have a Verbal

Hearing Request for Arkansas Securities Division and NFA Testimony And Relief" is denied.

It is further **ORDERED** that Appellant's motions to introduce additional evidence

submitted on February 13 and 20, 2022, are denied and that all evidence accompanying the

motions is stricken from the record.

It is further **ORDERED** that Appellant's November 9, 2022, and May 1, 2023, filings are

stricken from the record for failure to conform with the requirements of the rules relating to

reparations proceedings under 17 C.F.R. § 12.408(a)(5).

IT IS SO ORDERED.³

|s| Robert A. Schwartg

Robert A. Schwartz General Counsel

U.S. Commodity Futures Trading Commission

Dated: May 9, 2023

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³ By the Commission pursuant to delegated authority under 17 C.F.R. § 12.408(a).