

Commodity Futures Trading Commission  
CEA CASES

**NAME:** ROY D. SIMMONS

**DOCKET NUMBER:** 219

**DATE:** DECEMBER 17, 1973

**DOCUMENT TYPE:** COMPLAINT

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: Roy D. Simmons, Respondent

CEA Docket No. 219

Complaint and Notice of Hearing Under the Commodity Exchange Act

There is reason to believe that the respondent, Roy D. Simmons, has violated the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), hereinafter the "Act", and the rules and regulations issued thereunder (17 CFR Part 1). In accordance with the provisions of sections 6(b) and 6(c) of the Act (7 U.S.C. 9 and 13b), this complaint and notice of hearing is issued stating the charges in that respect as follows:

I

Roy D. Simmons, an individual whose address is 850 North Lake Shore Drive, Chicago, Illinois 60611, is now and was at all times material herein a registered floor broker under the Act and a member of the Chicago Mercantile Exchange.

II

At all times material herein, the Chicago Mercantile Exchange was duly designated as a contract market for shell egg futures contracts under the Act.

III

On December 5, 1969, respondent made speculative sales of 187 carlots and speculative purchases of 104 carlots in shell egg futures on or subject to the rules of the Chicago Mercantile Exchange as follows:

Future	Bought	Sold
December, 1969	28	66
January, 1970	73	118
March, 1970	3	3
Total	104	187

IV

On December 5, 1969, the speculative daily trading limit in shell egg futures as fixed by the Commodity Exchange Commission on or subject to the rules of the Chicago Mercantile Exchange was 150 carlots in all futures combined.

V

On December 5, 1969, the respondent held open contracts in shell egg futures on the Chicago Mercantile Exchange in excess of 25 carlots in a single future. By reason thereof the respondent was in reporting status, and was required to report to Commodity Exchange Authority with respect to all transactions executed and all open contract positions held for his account in all shell egg futures on all boards of trade on December 5, 1969, as provided in section 4i of the Act (7 U.S.C. 6i) and sections 15.01, 15.02, 15.03, 18.00, 18.01, and 18.03 of the

regulations thereunder (17 CFR 15.01, 15.02, 15.03, 18.00, 18.01 and 18.03).  
The

respondent on December 10, 1969, submitted a report to the Commodity Exchange Authority which purported to show all transactions executed for the respondent and the position of the respondent in shell egg futures on the Chicago Mercantile Exchange on December 5, 1969. However, such report did not show the actual transactions executed for the respondent or the true position held by him.

VI

By reason of the facts alleged in this complaint, Roy D. Simmons wilfully violated section 4a of the Commodity Exchange Act (7 U.S.C. 6a) and the order of the Commodity Exchange Commission establishing limits on daily trading in shell eggs for future delivery (17 CFR 150.5) and Roy D. Simmons submitted a false report to the Commodity Exchange Authority in wilful violation of sections 4i and 6(b) of the Commodity Exchange Act (7 U.S.C. 6i and 9) and sections 15.01, 15.02, 15.03, 18.00, 18.01, and 18.03 (17 CFR 15.01, 15.02, 15.03, 18.00, 18.01, and 18.03) of the rules and regulations thereunder.

WHEREFORE, it is hereby ordered that this complaint and notice of hearing be served upon the respondent and this proceeding shall be governed by sections 0.1, 0.2, 0.4(b), 0.5 through 0.22 and 0.28 of the Rules of Practices under the Commodity Exchange Act (17 CFR 0.1, 0.2, 0.4(b), 0.5 through 0.22, 0.28). The respondent will have twenty (20) days after the receipt of this complaint in which to file with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, an answer with an original and three copies, fully and

completely stating the nature of the defense and admitting or denying, specifically and in detail, each allegation of this complaint. Allegations not answered will be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all allegations of this complaint and a waiver of hearing. The filing of an answer in which all of the material allegations of fact contained in the complaint are admitted likewise shall constitute a waiver of hearing unless a hearing is requested. The respondent is hereby notified that unless hearing is waived, a hearing will be held in Chicago, Illinois, at a place therein and date to be specified later, before an Administrative Law Judge designated to conduct such hearing. At such hearing, the respondent will have the right to appear and show cause, if any there be, why an appropriate order should not be issued in accordance with the Commodity Exchange Act, (1) suspending or revoking the registration of the respondent as floor broker, (2) prohibiting the respondent from trading on or subject to the rules of any contract market, and directing that all contract markets refuse all trading privileges to the respondent for such period of time as may be determined and (3) directing that the respondent shall cease and desist from violating the Act and regulations in the manner alleged herein.

Done at Washington, D.C.

December 17 1973

[SEE SIGNATURE IN ORIGINAL]

CLAYTON YEUTTER

Assistant Secretary

**LOAD-DATE:** June 12, 2008

