

Commodity Futures Trading Commission
CEA CASES

NAME: ROY D. SIMMONS

DOCKET NUMBER: 108

DATE: JULY 30, 1962

DOCUMENT TYPE: COMPLAINT

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re Roy Do Simmons, Respondent

CEA Docket No. 108

Complaint and Notice of Hearing Under Section 6(b) of the Commodity Exchange Act

There is reason to believe that the respondent, Roy D. Simmons, has violated the provisions of the Commodity Exchange Act (7 U.S.C. § 1 et seq.), and the rules and regulations made pursuant to its requirements (17 CFR, Part 1), and in accordance with the provisions of section 6(b) of the said act (7 U.S.C. § 9), this complaint and notice of hearing is issued stating the charges in that respect as follows:

I

Respondent, Roy D. Simmons, an individual whose address is 38 East Oneida Street, Oswego, New York, is now, and was at all times mentioned herein, a member of the Chicago Mercantile Exchange and a registered floor broker under the Commodity Exchange Act.

II

The Chicago Mercantile Exchange is now, and was at all times mentioned herein, a duly designated contract market under the Commodity Exchange Act.

III

On each day during the period January 2 through January 11, 1962, the respondent held open contracts in shell egg futures on the Chicago Mercantile Exchange of 25 or more carlots in a single future. By reason thereof the respondent was in reporting status, and was required to report to the Commodity Exchange Authority with respect to all transactions executed and all open contract positions held for his account in all egg futures on all boards of trade (exchanges) during the said period, as provided in section 4i of the Commodity Exchange 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, 18.03).

IV

The respondent submitted reports to the Commodity Exchange Authority which purported to show all transactions executed for the respondent and the position of the respondent, in egg futures on the Chicago Mercantile Exchange on each business day during the period specified in paragraph III above. However, such reports did not show the actual transactions executed for the respondent or the true positions held by him. By reason thereof the respondent submitted false reports to the Commodity Exchange Authority in wilful violation of the aforesaid section of the Commodity Exchange Act and the regulations thereunder.

V

On January 3, 4 and 5, 1962, the respondent held speculative net short positions of 69, 84 and 54 carlots, respectively, in the January 1962 shell egg future on the Chicago Mercantile Exchange.

VI

On January 10, 1962, the respondent held a speculative net long position of 54 carlots in the January 1962 shell egg future on the Chicago Mercantile Exchange.

VII

On January 2, 1962, the respondent made speculative sales of 70 carlots of January 1962 shell egg futures on the Chicago Mercantile Exchange.

VIII

On January 9, 1962, the respondent made speculative purchases of 69 carlots of January 1962 shell egg futures on the Chicago Mercantile Exchange.

IX

By reason of the facts set forth in paragraphs V through VIII above, the respondent wilfully violated section 4a(2) of the Commodity Exchange Act and the order of the Commodity Exchange Commission establishing limits on positions and daily trading in shell eggs for future delivery (7 U.S.C. 6a (2); 17 CFR 150.5).

WHEREFORE, it is hereby ordered that this complaint and notice of hearing be served upon the said respondent. The respondent will have twenty (20) days after the receipt of this notice of hearing in which to file with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., an answer with an original and five copies, fully and completely stating the nature of the defense and admitting or denying, specifically and in detail, each material and relevant 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 the material allegations of this complaint and a waiver of hearing. The respondent is hereby notified that unless hearing is waived, either expressly or by failure to file an answer and request a hearing, a hearing will be held at 10:00 a.m., local time, on the 27th day of September 1962, in Chicago, Illinois, at a place therein to be specified later, before a referee 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 order should not be made suspending or revoking the registration of the respondent as a floor broker, and directing that all contract markets refuse all trading privileges to the respondent for such period of time as may be determined.

It is ordered that this complaint and notice of hearing be served on the respondent at least twenty (20) days prior to the date set for hearing.

Done at Washington, D. C.,

July 30, 1962.

/s/ John P. Duncan, Jr.

John P. Duncan, Jr.

Assistant Secretary

LOAD-DATE: June 12, 2008

