

UNITED STATES OF AMERICA  
Before the  
COMMODITY FUTURES TRADING COMMISSION

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2:02 pm, Jul 28, 2017

CHAZON QTA QUANTITATIVE TRADING  
TRADING ARTISTS, LLC

and

LAWRENCE I. FEJOKWU

v.

NATIONAL FUTURES ASSOCIATION

CFTC Docket No. CRAA 16-01

ORDER DENYING  
MOTION FOR  
RECONSIDERATION

On June 30, 2017, Lawrence Fejokwu filed a motion to reconsider the Commission's Summary Affirmance of a disciplinary action undertaken by the National Futures Association ("NFA") against Appellants for failure to provide NFA with certain requested documents during the course of its investigation, namely the 2011 bank statements of Chazoneering, an entity affiliated with Appellants.<sup>1</sup> The Commission rules relating to reviews of NFA decisions do not provide for motions for reconsideration. 17 C.F.R. Part 171. However, the Commission has previously said that such relief is available "in truly extraordinary circumstances." *Oshinsky v. NFA*, [1994-1996 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 26,754, at 44,116, CFTC No. CRAA 95-1, 1996 WL 411123, at \*1 (CFTC July 22, 1996). Such "extraordinary circumstances" include:

- (1) a clear and convincing showing of fraud on the forum by an adverse party;
- (2) the discovery of previously unknown and non-discoverable evidence which would probably produce a different result;
- (3) a factual error in a jurisdictional ruling (*e.g.*, a respondent's

<sup>1</sup> In affirming NFA's choice of sanction, the Commission adopted the rulings of NFA. See NFA Appeals Committee Decision (Nov. 23, 2015) and NFA Initial Decision (Feb. 27, 2015), available at <https://www.nfa.futures.org/BasicNet/Case.aspx?entityid=0424320&case=14BCC00006&contrib=NFA>.

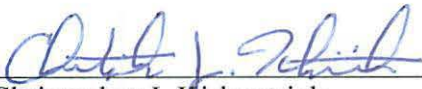
registration status); or the type of egregious factual or legal error that goes to the heart of the challenged decision's validity.

*Id.* (quoting *Kohler v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, [1986–1987 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 23,437 at 33,173 (CFTC Dec. 30, 1986)). None of these circumstances are present here, and their absence compels denial of this Motion.

Fejokwu's Motion for Reconsideration is therefore DENIED.

IT IS SO ORDERED.

By the Commission (Acting Chairman GIANCARLO and Commissioner BOWEN.)

  
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Christopher J. Kirkpatrick  
Secretary of the Commission  
Commodity Futures Trading Commission

Dated: July 28, 2017