

UNITED STATES OF AMERICA  
Before the  
COMMODITY FUTURES TRADING COMMISSION

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12:39 pm, May 05, 2016

SHUNLIAN HOU

v.

KEM H. CHONG

CFTC Docket No. 13-R012

**ORDER OF SUMMARY AFFIRMANCE**

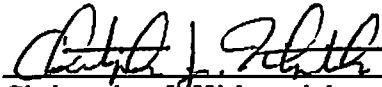
Our review of the record and appellate submissions establishes that the Judgment Officer committed no error material to the outcome of the proceedings in his Order Granting Summary Disposition. The order properly dismissed the complaint on grounds of res judicata based on a previous National Futures Association arbitration award dealing with the same subject matter, consistent with our decision in *Plank v. Chesapeake Investment Services, Inc.*, [2005-2007 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 30,087 (CFTC May 31, 2005). Accordingly, pursuant to Section 14 of the Commodity Exchange Act and Commission Regulation 12.406(b), we summarily affirm the Order Granting Summary Disposition without opinion.<sup>1</sup>

IT IS SO ORDERED.<sup>2</sup>

By the Commission (Chairman MASSAD and Commissioners BOWEN, and GIANCARLO).

<sup>1</sup> Pursuant to Commission Regulation 12.406(b), 17 C.F.R. § 406(b), neither the initial decision nor the Commission's order of summary affirmance shall serve as a Commission precedent in other proceedings.

<sup>2</sup> Under sections 6(c) and 14(e) of the Commodity Exchange Act, 7 U.S.C. §§ 9 and 18(e), a party may appeal a reparation order of the Commission to the United States Court of Appeals for only the circuit in which a hearing was held; if no hearing was held, the appeal may be filed in any circuit in which the appellee is located. The Commission has ruled that telephonic hearings are "held" in Washington, D.C., although parties may speak from several different locations. *Dubois v. Alaron*, [2000-2002 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 28,406 at 51,027 n.17 (CFTC Oct. 26, 2000). The statute also states that such an appeal must be filed within 15 days after notice of the order and that any appeal is not effective unless, within 30 days of the date of the Commission order, the appealing party files with the court a bond equal to double the amount of any reparation award.



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

Dated: May 5, 2016