

Commodity Futures Trading Commission
CEA CASES

NAME: RODNEY KAMINGA

DOCKET NUMBER: 172

DATE: MAY 14, 1970

DOCUMENT TYPE: COMPLAINT

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re: Rodney Kaminga, Respondent

CEA Docket No. 172

Complaint and Notice of Hearing Under the Commodity Exchange Act

There is reason to believe that the respondent has violated the Commodity Exchange Act (7 U.S.C. 1964 ed., Chapter 1, as amended, Supp. IV, 1969) and the regulations made pursuant thereto, and this complaint and notice of hearing is issued stating the charges in that respect as follows:

I

The respondent, Rodney Kaminga, is an individual whose mailing address is P. O. Box 885, Three Forks, Montana 59752.

II

The Chicago Mercantile Exchange is now, and was at all times material to this complaint, a duly designated contract market under the Commodity Exchange Act.

III

On each day from March 24 through April 9, 1970, the respondent held open contract positions in live beef cattle futures on the Chicago Mercantile Exchange of 25 or more contracts 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 by him, in all live beef cattle futures on all boards of trade during the said period and with respect to all transactions by reason of which the respondent's position was reduced below reporting levels, as provided in section 4i of the Commodity Exchange Act (7 U.S.C. 6i, Supp. IV, 1969), 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).

IV

On March 24, 25 and 31, 1970, and April 1, 3, 6, 7, 8 and 9, 1970, while the respondent was in reporting status as described in paragraph III above, transactions in live beef cattle futures on the Chicago Mercantile Exchange were executed for his account, but the respondent has failed and refused to report to the Commodity Exchange Authority with respect to such transactions, as required under the aforesaid provisions of the Commodity Exchange Act and regulations.

V

On numerous occasions dating as far back as March 18, 1969, and continuing up to January 23, 1970, officials of the Commodity Exchange Authority not only

informed the respondent of the reporting requirements under the Commodity Exchange Act and regulations with respect to live beef cattle futures, but also found it necessary to communicate with the respondent in writing directing attention to the respondent's failure to file required reports. On one occasion the respondent wrote a letter to the Administrator of the Commodity Exchange Authority with respect to

the filing of such reports. In the circumstances, the respondent was fully aware of his reporting obligations under the aforesaid provisions of the Commodity Exchange Act and regulations and his failure and refusal to file required reports, as described in paragraph IV above, constituted a knowing and wilful violation of such provisions of the Act and regulations.

VI

On numerous occasions during the period between March 18, 1969 and January 23, 1970, while the respondent held a reportable position in live beef cattle futures on the Chicago Mercantile Exchange, officials of the Commodity Exchange Authority requested the respondent to report on CEA Form 40 the information required by section 18.04 of the regulations, but the respondent has failed and refused, and is now failing and refusing, to furnish such information, in wilful violation of section 4i of the Commodity Exchange Act (7 U.S.C. 6i, Supp. IV, 1969) and the above-cited section of the regulations.

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 practice 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-five (25) 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 waiver of hearing. The filing of answer in which all of the material allegations of fact contained in this complaint are admitted likewise shall constitute a waiver of hearing unless a hearing is requested. The respondent is hereby notified that unless a hearing is waived, a hearing will be held at 10:00 a.m., local time, on July 7, 1970, Butte, Montana, at the 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 appropriate order should not be issued in accordance with the Commodity Exchange Act, (1) 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 (2) directing that the respondent shall cease and desist from violating the Commodity Exchange Act in the manner alleged herein.

It is ordered that this complaint and notice of hearing be served on the respondent at least twenty-five (25) days prior to the date set for hearing.

Done at Washington, D.C.

May 14, 1970

[SEE SIGNATURE IN ORIGINAL]

Richard E. Lyng

Assistant Secretary

LOAD-DATE: June 16, 2008

