



U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
www.cftc.gov

Office of Proceedings



David E. Stearns,
Complainant,
v.
Alexander Birkmyre,
Thomas Christopher Plastino alias
Thomas Plastino,
Ruben Zagagi,
Intex, Inc. d/b/a Intex Capital,
Salterra Capital Strategies LLC,
and Phillip Capital, Inc.,
Respondents.
CFTC Dkt. No. 19-R004
Served electronically

FINAL DECISION

The parties have elected the voluntary decisional procedure. Under the voluntary decisional procedure, the parties are principally responsible for developing the evidentiary record, the parties waive the opportunity for an oral hearing, waive the right to receive a written statement of the findings of fact upon which the Final Decision is based, and waive the right to appeal this Final Decision to the Commission and to the federal courts. See Commission Rules 12.100(b), 12.106(d) and Notice of Voluntary Proceeding (June 5, 2019).

After carefully reviewing the legal and evidentiary record, I find that Complainant has failed to establish by a preponderance of the evidence any violations of the Commodity Exchange Act or Commission regulations by Respondents proximately causing damages. Accordingly, the Complaint in this matter is dismissed.

Dated: April 1, 2020

/s/ Kavita Kumar Puri
Kavita Kumar Puri
Judgment Officer