Commodity Futures Trading Commission
CEA CASES

NAME: HARNEY, BURNS INC., JOHN T. FONTANA, ROBERT O. INGAL, AND A. JAMES COMENZO

DOCKET NUMBER: 127

DOCUMENT TYPE: ISSUANCE OF COMPLAINT

UNITED STATES DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

Washington, D. C. 20250

ISSUANCE OF COMPLAINT – CEA DOCKET NO. 127

(Administrative Hearing under the Commodity Exchange Act)

A complaint and notice of hearing has been signed by the Acting Secretary of Agriculture, charging violation of the Commodity Exchange Act by:

Harney, Burns Inc.,

John T. Fontana,

Robert O. Ingal, and

A. James Comenzo

(New York, New York)

The complaint charges Harney, Burns Inc. and John T. Fontana, Robert O. Ingal, and A. James Comenzo, President, Vice President and Secretary-Treasurer, respectively, of the corporation, with failing to treat and deal with customers' funds as belonging to such customers, preparing and maintaining false records and failing to prepare and maintain records required by the Commodity Exchange Act and regulations. The complaint also charges that Harney, Barns Inc. and A. James Comenzo furnished false information in connection with the corporation's application for registration as futures commission merchant under the Commodity Exchange Act.

The issuance of a complaint under the Commodity Exchange Act does not constitute proof of violation of the law. Such violation is established only when the Judicial Officer of the Department has made a determination that the evidence substantiates allegations in the complaint. Complaints are filed in the Office of the Hearing Clerk of the Department of Agriculture and are a matter of public record. Pending disposition by the Judicial Officer, it is the policy of the Commodity Exchange Authority not to comment or elaborate on charges contained in complaints or to discuss evidence on which they are based.

A public hearing on the complaint is scheduled to be held before a referee at 10:00 a.m., local time, May 27, 1965, in New York, New York.

LOAD-DATE: June 12, 2008