

Commodity Futures Trading Commission
CEA CASES

NAME: COMMODITY CONSULTANTS, INC., AND PETER F. SCHOENFELD

DOCKET NUMBER: 163

DATE: JULY 23, 1969

DOCUMENT TYPE: AMENDED COMPLAINT

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: Commodity Consultants, Inc., and Peter F. Schoenfeld, Respondents

CEA Docket No. 163

Amended Complaint and Notice of Hearing Under the Commodity Exchange Act

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

I

Respondent Commodity Consultants, Inc., is now, and was at all times material herein, a corporation organized and existing under the laws of the State of California, with its office at 6363 Wilshire Boulevard, Los Angeles, California 90048. The said corporation is now, and was at all such times, a registered futures commission merchant under the Commodity Exchange Act, engaged in trading in commodities for future delivery for the accounts of customers and holding for such customers sums of money, representing deposits of margin by and trading profits accruing to such customers.

II

Respondent Peter F. Schoenfeld, an individual whose business address is the same as that of the respondent corporation, is now, and was at all times material herein, President of the respondent corporation. At all such times, the operations of the respondent corporation were under the direction and control of respondent Peter F. Schoenfeld.

III

The respondent corporation presently fails to meet the minimum financial requirements prescribed by section 1.17 of the regulations (34 F.R. 599) issued by the Secretary of Agriculture under the Commodity Exchange Act, and at all times during the period from May 6 through June 24, 1969, failed to meet such requirements. During such period, the respondent corporation's current liabilities exceeded its current assets, and it lacked sufficient capital to meet the minimum financial requirements prescribed by section 1.17 of the regulations, as follows:

Date	Amount by Which Current Liabilities Exceeded	Capital Deficiency
1969 May 6	\$ 1,610.84	\$ 11,610.84
7	1,970.66	11,970.66
8	1,970.66	11,970.66
9	1,970.66	11,970.66
12	2,218.51	12,218.51

Date 1969	Amount by Which Current	
	Liabilities Exceeded Current Assets	Capital Deficiency
13	2,218.51	12,218.51
14	2,218.51	12,218.51
15	2,218.51	12,218.51
16	2,218.51	12,218.51

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Date 1969	Amount by Which Current	
	Liabilities Exceeded Current Assets	Capital Deficiency
May 19	\$ 2,959.37	\$ 12,959.37
20	4,059.42	14,059.42
21	4,312.02	14,312.02
22	4,143.02	14,143.02
23	4,143.02	14,143.02
26	4,143.02	14,143.02
27	4,838.67	14,838.67
28	4,870.72	14,870.72
29	5,592.53	15,592.53
June 2	5,623.80	15,623.80
3	5,629.30	15,629.30
4	5,896.59	15,896.59
5	6,565.41	16,565.41
6	6,978.56	16,978.56
9	7,537.41	17,537.41
10	8,043.91	18,043.91
11	8,463.91	18,463.91
12	8,569.39	18,569.39
13	8,941.14	18,941.14
16	8,941.14	18,941.14
17	9,206.14	19,206.14
18	9,406.14	19,406.14
19	9,406.14	19,406.14
20	9,406.14	19,406.14
23	9,406.14	19,406.14
24	9,223.84	19,223.84

IV

By reason of the facts alleged in this amended complaint, the respondents wilfully violated section 4f of the Commodity Exchange Act (7 U.S.C. 6f, Supp. IV, 1969) and section 1.17 of the regulations issued thereunder (34 F.R. 599).

WHEREFORE, it is hereby ordered that this amended complaint and notice of hearing be served upon the respondents 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 (CFR

0.1, 0.2, 0.4(b), 0.5 through 0.22, 0.28). The respondents will have twenty-five days after the receipt of this amended complaint in which to file with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, an answer with an original and four copies, fully and completely stating the nature of the defense and admitting or denying, specifically and in detail, each allegation of this amended complaint. Allegations not answered will be deemed admitted for the purposes of this proceeding. Failure to file an answer will constitute an admission of all the allegations of this amended complaint and a waiver of hearing. The filing of an answer in which all of the material allegations of fact contained in the amended complaint are admitted likewise

shall constitute a waiver of hearing unless a hearing is requested. The respondents are hereby notified that unless hearing is waived, a hearing will be held at 10:00 a.m., local time, on September 17, 1969, in Los Angeles, California, at a place therein to be specified later, before a referee designated to conduct such hearing. At such hearing, the respondents 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 respondents from trading on or subject to the rules of any contract market, and directing that all contract markets refuse all trading privileges to the respondents for such period of time as may be determined, (2) directing that the respondents shall cease and desist from violating the act and regulations in the manner

alleged herein, and (3) suspending or revoking the registration of respondent Commodity Consultants, Inc., as futures commission merchant.

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

Done at Washington, D. C.

July 23, 1969

[SEE SIGNATURE IN ORIGINAL]

Richard E. Lyng

Assistant Secretary

LOAD-DATE: June 16, 2008

