

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

_____)
In the Matter of _____)
THOMAS T. MILLER, _____)
_____)
Registrant. _____)
_____)

CFTC DOCKET NO. SD 03-04

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**OPINION AND ORDER ACCEPTING OFFER OF SETTLEMENT OF REGISTRANT
THOMAS T. MILLER**

On May 2, 2003, the Commission filed a Notice of Intent to Suspend, Revoke, or Restrict Registration (“Notice”) against registrant Thomas T. Miller.¹ Miller has submitted an Offer of Settlement (“Offer”). Upon consideration, the Commission has determined to accept the Offer.² Solely on the basis of the consent evidenced by the Offer, and without adjudication on the merits, the Commission finds that the facts set forth in the Notice constitute cause for a statutory disqualification of Miller under Sections 8a(2)(C) and (E) of the Act, 7 U.S.C. §§ 12a(2)(C) and (E) (2001).³

¹ The Notice alleges that Miller’s registration is subject to revocation, suspension or restriction under Sections 8a(2)(C) and (E) of the Commodity Exchange Act, as amended (“Act”), 7 U.S.C. §§ 12a(2)(C) and (E) (2001), because an order of permanent injunction has been entered against Miller prohibiting him from engaging in fraud in violation of the Act and acting in any capacity for which registration with the Commission is required under the Act.

² In his Offer, without admitting or denying the allegations of the Notice, Miller acknowledges service of the Notice; admits the jurisdiction of the Commission with respect to the matters set forth in the Notice; waives a hearing, all post-hearing procedures, judicial review by any court, and any objection to the staff’s participation in the Commission’s consideration of the Offer; and stipulates that the record basis on which this Opinion and Order (“Order”) is entered consists of the Notice and the findings to which Miller consented in the Offer, which are incorporated in this Order. In addition, Miller waives all claims which he may possess under the Equal Access to Justice Act, 5 U.S.C. § 504 (1994) and 28 U.S.C. § 2412 (1994), as amended by Pub. L. No. 104-121, §§ 231-32, 110 Stat. 862-63, and Part 148 of the Commission Regulations, 17 C.F.R. Part 148, relating to, or arising from, this action.

³ In his Offer, Miller agrees to the use of these findings in this proceeding and in any other proceeding brought by the Commission or to which the Commission is a party.

Accordingly, the Commission HEREBY ORDERS that Miller's registration as an associated person is revoked.

A copy of this Order shall be served on Miller at the address set forth in the Notice, on all contract markets, and on the National Futures Association.

By the Commission:



Jean A. Webb
Secretary to the Commission

Date: May 2, 2003