

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

In the Matter of

John F. O'Herron,

Registrant.

CFTC DOCKET NO. SD 03-02

RECEIVED
C.F.T.C.
2003 JAN -7 P 12:17
OFFICE OF PROCEEDINGS
PROCEEDINGS CLERK

OPINION AND ORDER ACCEPTING OFFER
OF SETTLEMENT OF JOHN F. O'HERRON

On this date the Commission filed a Notice of Intent to Suspend, Revoke, or Restrict Registration ("Notice") against registrant John F. O'Herron ("O'Herron").¹ O'Herron 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

¹ The Notice alleges that O'Herron's registration is subject to revocation, suspension or restriction under Section 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 O'Herron 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.

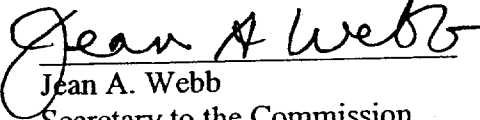
² In his Offer, without admitting or denying the allegations of the Notice, O'Herron acknowledges service of the Notice; admits the jurisdiction of the Commission with respect to the matters set forth in the Notice; waives a hearing, all post-hearing procedures, judicial review by any court, and any 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 O'Herron consented in the Offer, which are incorporated in this Order. In addition, O'Herron 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 Par. 148 of the Commission Regulations, 17 C.F.R. Part 148, relating to, or arising from, this action.

constitute cause for a statutory disqualification of O'Herron under Section 8a(2)(C) and (E) of the Act.³

Accordingly, the Commission HEREBY ORDERS that O'Herron's registrations as a commodity trading advisor and as an associated person are revoked.

A copy of this Order shall be served on O'Herron 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: January 7, 2003

³ In his Offer, O'Herron 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.