

UNITED STATES OF AMERICA  
Before the  
COMMODITY FUTURES TRADING COMMISSION

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OFFICE OF PROCEEDINGS  
REGISTRARS DIVISION

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In the Matter of :  
LESLIE JEAN WNUKOWSKI, :  
 :  
Registrant. :  
\_\_\_\_\_

CFTC DOCKET NO. SD 03

**NOTICE OF INTENT TO SUSPEND, REVOKE, OR RESTRICT THE  
REGISTRATIONS OF LESLIE JEAN WNUKOWSKI**

I.

The Commodity Futures Trading Commission (“Commission”) has received information from its staff which tends to show, and the Commission’s Division of Enforcement alleges and is prepared to prove that:

**A. False Filing**

1. Leslie Jean Wnukowski (“Wnukowski”) resides in Midlothian, Illinois 60445.
2. Since at least February 4, 2002, Wnukowski has operated as a sole proprietor, “Leslie Jean Wnukowski,” that is registered with the Commission as a commodity pool operator (“CPO”) and a commodity trading advisor (“CTA”) pursuant to Sections 4m and 4n of the Commodity Exchange Act, as amended (the “Act”), 7 U.S.C. §§ 6m and 6n (2002). Since at least February 4, 2002, Wnukowski has also been registered as an associated person (“AP”) of her CPO and CTA, pursuant to Section 4k of the Act, 7 U.S.C. § 6k (2002).
3. On June 9, 2000, Wnukowski incorporated Commodity Futures, Inc. in the state of Nevada; she was its president, secretary, treasurer, sole shareholder and director. The corporation’s name, Commodity Futures, Inc., was formally changed to Unique Strategies, Inc.

("Unique") on September 7, 2000. Since at least December 2003, Unique's principal place of business has been located in Mokena, Illinois. Wnukowski has variously described Unique as a brokerage, money management, and consulting business. Unique has never been registered with the Commission in any capacity. Wnukowski has been paid a salary of approximately \$4,000-\$5,000 per month from Unique, since June 2000.

4. In January 2002, Wnukowski submitted an application to the Commission to become registered as an AP in connection with her sole proprietorship by filing a Commission Form 8-R. However, in this application, Wnukowski willfully failed to disclose her employment by Unique. She also certified, as her own sponsor, that the registration application was accurate and complete. In so doing, Wnukowski willfully omitted a material fact required to be stated in her AP registration application filed with the Commission and certified information in the application for registration which she knew or should have known was inaccurate and incomplete. This conduct was in violation of Section 6(c) of the Act, 7 U.S.C. § 9 (2002), and Section 3.12(c)(1)(iii) of the Commission's Regulations ("Regulations"), 17 C.F.R. § 3.12(c)(1)(iii)(2004).

B. **Other Good Cause**

(1) **Financial Irresponsibility**

5. Wnukowski was named as a relief defendant in an injunctive lawsuit filed in the United States District Court for the Northern District of Illinois on April 12, 1999 by the Commission against Wnukowski's friend, Joseph P. McGivney, Sr., and others, namely *CFTC v. Joseph P. McGivney, Sr., et al.*, No. 99 C 2357 (N.D. Ill.). The Commission's suit claimed that McGivney and others had committed fraud in connection with the operation of various commodity pools. In relevant part, the suit alleged that Wnukowski was a relief defendant and

that she had received the net sum of \$169,920.48 of commodity pool participant funds with no legitimate entitlement to receive those funds.

6. The claims against Wnukowski were settled by way of a Consent Order entered by the U.S. District Court for the Northern District of Illinois on July 17, 2000 ("Consent Order"), in which Wnukowski agreed, and was ordered, to pay the sum of \$169,920.48, plus post-judgment interest to persons owed restitution by McGivney and identified on schedules attached to the Consent Order. Based upon Wnukowski's sworn representations to the Commission on January 12, 2000, namely that she was unemployed, had no source of income and had few assets, including her 4-year old Mercury Sable vehicle, the Commission agreed to give Wnukowski a three (3) year deferral of her disgorgement obligation, reflected in the July 17, 2000 Consent Order.

7. Since June 9, 2000, Unique has employed Wnukowski and, for at least the past two years, has paid her a salary of approximately \$4,000 - \$5,000 per month. Wnukowski also received additional compensation from Unique in the form of an automatic teller machine ("ATM") cash card that was available for her personal use and that was used by her from at least January 2002 to June 2004. Wnukowski used the Unique card to purchase gasoline for her vehicles and groceries, among other things, in excess of \$20,000 during this period.

8. In January 2003, Wnukowski purchased a 2000 Chevy Malibu for her son's use and, in September 2003, began leasing a Mercedes Benz for her personal use with payments of \$790 per month. When she applied for the Mercedes lease, Wnukowski represented to the leasing agent that her gross salary income from Unique was \$60,000 per year with an additional \$1,100 per month of income from an unidentified source.

9. In January 2002, Unique opened up commodity futures trading accounts at two registered futures commission merchants (“FCMs”), namely Refco, Inc. (“Refco”) and Man Financial (“Man”), and began trading futures in what Wnukowski represented to the FCMs were proprietary accounts. From January 2002 through the present, in excess of \$535,971.70 has been deposited into Unique’s futures trading accounts with a resulting net trading loss of \$251,143.20.

10. Since July 17, 2003, when the deferral on her disgorgement obligation expired, Wnukowski has had available income from which to pay disgorgement to the victims listed on the schedule attached to the Consent Order. However, she ignored a demand letter sent by the Commission on August 27, 2003 and, to date, has not repaid any of that obligation. As such, Wnukowski has demonstrated that she is financially irresponsible.

(2) Inability to Comply with Requirements of the Act and Commission Regulations By Failing to Make Prompt Production of Required Records

11. On July 15, 2004, representatives of the Commission went to Wnukowski’s offices in Mokena, Illinois to inspect the books and records of Wnukowski’s CTA and CPO operations, pursuant to the Commission’s inspection powers. On that morning, persons working in Wnukowski’s office had made trades for Stratton’s commodity trading accounts managed by Wnukowski; however, at 9 a.m., those persons refused to permit Commission representatives to enter the office. After approximately two and a half hours, and after repeated attempts by Commission staff to gain access to the office, Wnukowski finally called a Commission representative on his cell phone and informed him that although she was at her residence in Midlothian, she would not be coming to her office in Mokena (less than 13 miles away) in order to permit the inspection. She explained to the Commission representative that she would not be available for ten days, thus making it impossible for the Commission to inspect her records until her return. She also indicated that she was the only person in the office who knew where any of

the records were located and, thus, that the other persons at the office that day could not provide the Commission with access to her books and records. Given that Commission staff did not gain access to any records for inspection until July 28, 2004, thirteen days later, Wnukowski has failed to make her records required to be kept by the Act or Regulations readily accessible for prompt inspection, as required by Section 4n(3)(A) of the Act, 7 U.S.C. § 6n(3)(A) (2002), and Section 1.31(a) of the Regulations, 17 C.F.R. § 1.31(a) (2004).

(3) Wnukowski Intentionally Seeks to Circumvent NFA Oversight

12. Wnukowski did not apply for membership in the National Futures Association (“NFA”) in connection with her applications for registration as a CTA, CPO and AP. Consequently, the NFA notified Wnukowski by letter dated February 20, 2002 that she was prohibited from conducting customer business in her capacity as a CTA and CPO and was limited to providing a generalized newsletter to customers.

13. Beginning in August 2003, Wnukowski began to manage the commodity futures trading for two clients in at least three accounts at Man, namely two accounts for Dunkeld Holdings, Ltd., (“Dunkeld”), a corporation located in the Bahamas, and a personal account for an individual named David Stratton, (“Stratton”), who resides in Madison, Wisconsin, all in contravention to NFA’s instruction advising her that to conduct customer business, she should become an NFA member.

14. The facts set forth in paragraphs 1 through 4 demonstrate that Wnukowski willfully filed a false registration form with the Commission which constitutes a basis for her statutory disqualification from registration under Section 8a(3)(G) of the Act, 7 U.S.C. § 12a(3)(G) (2002). Therefore, under Section 8a(4) of the Act, 7 U.S.C. § 12a(4), Wnukowski’s registrations as a CPO, CTA and an AP may be suspended, revoked or restricted.

15. The facts set forth in paragraphs 1 through 13 demonstrate that Wnukowski has acted in a financially irresponsible manner, that she has shown an inability to comply with the requirements of the Act and Commission Regulations, and that she intentionally circumvents NFA's oversight by not becoming a member of that association. These facts constitute other good cause for her to be statutorily disqualified from registration under Section 8a(3)(M) of the Act, 7 U.S.C. §§ 12a(3)(M) (2002). Therefore, under Section 8a(4) of the Act, 7 U.S.C. § 12a(4), Wnukowski's registrations as a CPO, CTA and an AP may be suspended, revoked or restricted.

## II.

Pursuant to Section 3.60(a) of the Commission's Regulations, 17 C.F.R. § 3.60(a) (2004), Wnukowski is hereby notified that a public proceeding shall be conducted in accordance with the provisions of Commission Regulation 3.60, 17 C.F.R. § 3.60 (2004), on the following questions:

1. Whether Wnukowski is subject to statutory disqualification pursuant to Section 8a(4) of the Act, 7 U.S.C. § 12a(4), for cause existing under Sections 8a(3)(G) and (M) of the Act, 7 U.S.C. §§ 12a(3)(G) and (M) (2002), as set forth in Section I, above; and
2. If the answer to question 1 is affirmative, whether the registrations of Wnukowski as a commodity trading advisor, commodity pool operator and as an associated person should be suspended, revoked or restricted. Such proceeding shall be held before an Administrative Law Judge, in accordance with Commission Regulation 3.60, and all post-hearing procedures shall be conducted pursuant to Commission Regulation 3.60(i)-(j), 17 C.F.R. § 3.60(i)-(j) (2004).

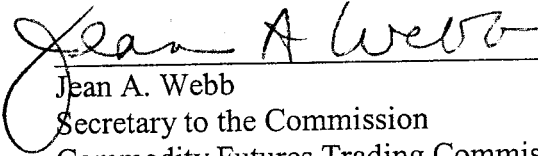
In accordance with the provisions of Commission Regulation 3.60(a)(3), 17 C.F.R. § 3.60(a)(3) (2004), Wnukowski is entitled to file a response challenging the evidentiary bases of the statutory disqualifications or show cause why, notwithstanding the

accuracy of the allegations, her registrations should not be suspended, revoked, or restricted. Such response must be filed with the Proceedings Clerk, Office of Proceedings, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21<sup>st</sup> Street, N.W., Washington, D.C. 20581, and served upon Susan B. Padove, Senior Trial Attorney, Division of Enforcement at 525 West Monroe Street, Suite 1100, Chicago, Illinois 60661, within thirty (30) days after the date of service of this Notice upon Wnukowski in accordance with the provisions of Commission Regulation 3.60(b), 17 C.F.R. § 3.60(b) (2004). If Wnukowski fails to timely file a response to this Notice, the allegations set forth herein shall be deemed to be true and the presiding officer may issue an Order of Default in accordance with the provisions of Commission Regulation 3.60(g), 17 C.F.R. § 3.60(g) (2004).

III.

The Hearing Clerk shall serve this Notice of Intent to Suspend, Revoke, or Restrict Registration by registered or certified mail pursuant to Commission Regulation 3.50, 17 C.F.R. § 3.50 (2004).

By the Commission.

  
Jean A. Webb  
Secretary to the Commission  
Commodity Futures Trading Commission

Date: December 30, 2004