



**U.S. COMMODITY FUTURES TRADING COMMISSION**

Three Lafayette Centre  
1155 21st Street, NW, Washington, DC 20581

OFFICE OF  
PROCEEDINGS

\_\_\_\_\_  
ROY E. FOSTER,  
Complainant,

v.

DONALD GRAY TRIVETTE,  
Respondent.  
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CFTC Docket No. 99-~~100~~

OFFICE OF PROCEEDINGS  
PROCEEDINGS CLERK

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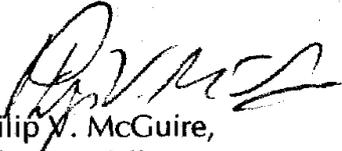
**DEFAULT ORDER**

Donald Gray Trivette has failed to file an answer and is in default. Trivette's default constitutes, among other things, an admission of the allegations in the complaint and a waiver of any affirmative defense. Accordingly, based solely on the allegations in the complaint, it is concluded that Donald Gray Trivette fraudulently solicited and accepted from Roy E. Foster \$29,866.52 to participate in a commodity pool in violation of Sections 4b(a), 4c(b) and 4o(1) of the Commodity Exchange Act and CFTC rule 33.10, and that Trivette accepted trading funds in his own name in violation of CFTC rule 4.20; and that these violations proximately caused \$29,866.52 in damages. Accordingly, Donald Gray Trivette is ORDERED to pay to Roy E. Foster reparations of \$29,866.52, plus interest on that amount at 5.285% compounded annually from January 3, 1995, plus \$125 in costs for the filing fee.

Any motion to vacate this default must meet the appropriate standards set out in CFTC rule 12.23.

Foster should note that Trivette is no longer registered with the National Futures Association, and therefore the likelihood of successfully collecting all or a portion of this award may be remote.

Dated October 5, 1999.

  
Philip V. McGuire,  
Judgment Officer