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ANTHONY N. GRAPHIA, Complainant	)	
v.	)	CFTC Docket No. 98-R211
FIRST AMERICAN DISCOUNT CORP. and RICHARD M. HEYBOER, Respondents	)	

FINAL DECISION

Complainant initiated this reparations case selecting a voluntary decisional proceeding, a choice concurred in by the respondents. In a voluntary proceeding, the parties submit their dispute on the papers only, waiving their right to present oral testimony. In addition, the judge is not authorized to conduct discovery on his own motion (see Rule 12.34), leaving the parties solely responsible for the development of the record. When the record is closed, the judge issues a Final Decision containing only a conclusion whether any violations have been proven, and, if so, a reparation award for any damages caused by such violations (see Rule 12.106(b)). The decision does not contain findings of fact or other evidentiary evaluations by the judge. The Final Decision is not appealable either to the Commission or to any U.S. Court of Appeals (see Rule 12.106(d)).

Upon careful consideration of the record made by the parties, it is concluded that complainant has failed to establish that respondents committed any violations of the Commodity Exchange Act or of the Commission's regulations.

Accordingly, the complaint is DISMISSED.

Dated: March 31, 1999

JOEL R. MAILLIE
Judgment Officer