



of the complaint and a waiver of their rights to select a type of proceeding, to file counterclaims, to engage in discovery, or to participate in an oral hearing.

Taken as a whole, the complaint is deemed credible in its own right and therefore the allegations of the un rebutted complaint are deemed true as to the defaulting respondents. Those allegations establish that the defaulting respondents engaged in deception and misrepresentation with regard to their unauthorized trading in complainant's trading account in violation of Section 4b(a)(2)(C) and 4c(b) of the Commodity Exchange Act, and that the unauthorized trading itself violated Rule 166.2 of the Commission's regulations. Complainant lost \$12,757.38 as a proximate result of the defaulting respondents' violations. She has received \$1,800 in the single valid settlement payment made thus far, and that amount is deducted from her losses to arrive at the amount in the following award:

Violations having been established, respondents First Capital Management Corp., Mario Patricio Gonzalez, and International Commodity Clearing are ORDERED TO PAY REPARATIONS to complainant Susanne Grundler in the amount of \$10,957.38, *plus* prejudgment interest compounded annually at the rate of 5.03% from December 1, 2004, to the date of payment, *plus* \$125.00 in costs for the filing fee and \$60 assessed in costs for the fees involuntarily incurred by complainant in attempting to deposit respondent Gonzalez's bad checks. ***LIABILITY IS JOINT AND SEVERAL.***

Any request to vacate this Default Decision failing to adhere STRICTLY to the requirements for motions to vacate set forth in CFTC Rule 12.23 will be summarily dismissed.

Dated: June 7, 2006

  
JOEL R. MAILLIE  
Judgment Officer