U.S. COMMODITY FUTURES TRADING COMMISSION
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VICTOR S. MARINO, Complainant	)	
v.	)	CFTC Docket No. 02-R021
LIND-WALDOCK & COMPANY, L.L.C., Respondent	)	

FINAL DECISION

Complainant initiated this reparations case selecting a voluntary decisional proceeding, a choice concurred in by the respondent. 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 of the Commodity Exchange Act 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 specific evidentiary evaluations by the judge. The Final Decision is not appealable to the Commission or to any court.

In this matter, neither side took discovery, nor did either side submit verified final statements. Upon a review of the minimal record made by the parties, it is determined that although complainant has established that he was entitled to an explanation of both trading report discrepancies he received, and even that respondent's incomplete trading statements and failures to respond to his inquiries have combined to prompt this needless litigation, he has not established any violations entitling him to damages in this forum. Therefore, the complaint is DISMISSED.

Dated: August 26, 2002

Joel R. Maillie
JOEL R. MAILLIE
Judgment Officer