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)
KARL G. PETRY,)
)
Complainant)
v.) CFTC Docket
) No. 00-R095
)
GLOBAL TELECOM, INC.,)
)
CAMERON SCOTT OWNBEY, and)
)
RB&H FINANCIAL SERVICES, L.P.,)
)
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 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 evidentiary evaluations by the judge. The Final Decision is not appealable to the Commission or to any court.

Upon careful consideration of the record, it is concluded that complainant has failed to prove any violations of the Act. Therefore, the complaint is DISMISSED.

As discussed in the March 7, 2001, "Order Imposing Sanctions," complainant will be assessed with the costs incurred by respondents in having to file their motion to compel discovery. Respondents' Bill of Costs establishes the costs attributable to that motion as being \$277.50. Accordingly, pursuant to CFTC Rules 12.30(c) and 12.106(c), complainant is ORDERED to pay to respondents costs for abuse of discovery in the amount of \$277.50.

Dated: April 23, 2001

Joel R. Maillie
JOEL R. MAILLIE
Judgment Officer