



U.S. COMMODITY FUTURES TRADING COMMISSION

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GLADE SMITH, and MARIE SMITH,
Complainants,

v.

ROBERT BENITEZ,
ANDREW DAVID FISHER, and
FSG INTERNATIONAL, INC.,
Respondents.

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* CFTC Docket No. 01-R90
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FINAL DECISION

The parties have elected the voluntary decisional procedure. Under the voluntary decisional procedure, the parties waive the opportunity for an oral hearing, and the parties waive certain rights, including the right to receive a written statement of the findings of fact upon which the final decision is based and the right to appeal this final decision to the Commission and to the federal courts.

After carefully reviewing the parties' submissions, it is hereby concluded that complainants have established: one, that Robert Benitez violated CFTC rules 33.10(a), (b) and (c), and Section 4c(b) of the Commodity Exchange Act;¹ two, that Andrew David Fisher violated CFTC rules 33.10 (a), (b) and (c), and 166.3, and Section 4c(b) of the Commodity Exchange Act; three, that these violations, separately and together, proximately caused \$5,200 in damages; and four, that FSG International is liable for Benitez's and Fisher's violations pursuant to Section 2(a)(1)(A) of the Act. Accordingly, Andrew David Fisher and FSG International, Incorporated are ORDERED to pay to Marie and Glade Smith reparations of \$5,200, plus \$50 in costs for the filing fee. Liability is joint and several.

Dated March 20, 2002.


Philip V. McGuire,
Judgment Officer

¹ Benitez never filed an answer, and by order dated August 27, 2001, was found in default.