

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

RDS GROUP, INC.

v.

EXECUTIVE COMMODITY CORPORATION,
MARK DYM, THOMAS KENNEDY, and
DON CAMPBELL

CFTC Docket No. 06-070

ORDER PURSUANT TO
DELEGATED AUTHORITY

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Respondents filed timely notices of appeal on August 11, 2006 from the initial decision issued by the Administrative Law Judge (“ALJ”) on July 26, 2006, awarding complainant RDS Group, Inc. \$51,250, plus interest and complainant’s filing fee. The decision made respondents jointly and severally liable for the award. Since the appeals were noticed, no respondent has filed a brief, as required by Commission Regulation 12.401(b): “An appeal shall be perfected by the appealing party by timely filing with the Proceedings Clerk an appeal brief [T]he appeal brief shall be filed within thirty (30) days after filing the notice of appeal.”

On October 11, 2006, complainant filed and served a motion to dismiss the appeals, to which no response has been received. Accordingly, respondents’ appeals are dismissed. Pursuant to Regulation 12.401(b), the initial decision shall become the decision and order of the Commission, effective on the date this order is served.

IT IS SO ORDERED.¹



Laura M. Richards
Deputy General Counsel
Commission Futures Trading Commission

Dated: November 8, 2006

¹ By the Commission pursuant to delegated authority. 17 C.F.R. §§ 12.408(a)(1), (4). Within seven days after service of this order, a party may file with the Commission a petition for reconsideration of this ruling. *Id.* at § 12.408(c).