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JOHN P. PAGE, Complainant	)	
v.	)	CFTC Docket No. 05-R083
BLAKE EDWARD ROBBEN, 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 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 either to the Commission or to any U.S. Court of Appeals (see Rule 12.106(d)).

In this matter, only the respondent took discovery and filed a final verified statement. Complainant filed answers to respondent's discovery interrogatories and requests for documents, but did not answer or object to respondent's requests for admissions, which are thus deemed ADMITTED. *See* Rules 12.33(b) and (d). Upon consideration of the record as made by the parties, it is concluded that complainant has failed to establish any violations by respondent. Accordingly, the complaint is DISMISSED.

Dated: July 21, 2006

Joel R. Maillie
JOEL R. MAILLIE
Judgment Officer

* Complainant's request to strike respondent's verified statement is DENIED. The submission was "sent to this Office (and served on the other side)" by July 7, which is what the June 6, 2006, Notice required. Service is complete upon mailing. *See* Rule 12.10.