

Commodity Futures Trading Commission
CEA CASES

NAME: SECRETARY OF AGRICULTURE V. CLARENCE J. BURNS COMPANY, INC., CLARENCE J. BURNS, PHILLIP T. BURNS, DOROTHEA BURNS, AND ROY L. MORGAN

DOCKET NUMBER: 27

DATE: OCTOBER 31, 1941

DOCUMENT TYPE: SUPPLEMENTAL ORDER

UNITED STATES OF AMERICA

BEFORE THE SECRETARY OF AGRICULTURE

CE-A Docket No. 27

Secretary of Agriculture, Complainant v. Clarence J. Burns Company, Inc.,
Clarence J. Burns, Phillip T. Burns, Dorothea Burns, and Roy L. Morgan,
Respondents

Supplemental Order

By a document filed on June 26, 1941, respondents waived hearing in this proceeding "in accordance with Paragraph C, Page 10 of the complaint requesting opportunity to submit arguments that facts alleged do not constitute violation of the Commodity Exchange Act nor warrant disciplinary action by the Secretary of Agriculture." The paragraph mentioned provides for admission of the facts alleged and for presentment of respondents' contentions regarding legal conclusions to be drawn therefrom.

An order, dated September 30, 1941, was served upon respondents as a tentative order. To this order they have filed

no exceptions in which the conclusions to be drawn from the facts are mentioned. They have filed "Exceptions to Findings of Fact" in which they allege that seven of the ten findings "are not supported by competent and sufficient testimony or evidence adequate to support said findings."

The findings of fact are based upon admissions by the respondents, and not upon testimony or other evidence adduced at a hearing. Respondents have not alleged that the findings contain matters not admitted. By choosing to proceed as they did, respondents retained only the right to question conclusions drawn from admitted facts. They have not questioned those conclusions, and they may not question admitted facts by excepting to them. As no issues have been properly raised, there is nothing to be argued, and there will be no oral argument. The exceptions are overruled, and the order of September 30, 1941, may be served upon contract markets.

ORDER

IT IS ORDERED that the Proceedings, Findings of Fact, Conclusions, and Order in this proceeding, dated September 30, 1941, signed by Robert H. Shields, Assistant to the Secretary of Agriculture, be sent by registered mail from the Hearing Clerk to each contract market, and be effective in accordance with its terms.

IT IS FURTHER ORDERED that a copy hereof be served by registered mail upon Robert B. Love, 205 Newberry Building, Aberdeen, South Dakota, respondents' counsel.

Done at Washington, D.C., this 31st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

Secretary's File Room

(Signed)

[SEE SIGNATURE IN ORIGINAL]

Assistant to the Secretary of Agriculture

LOAD-DATE: December 15, 2008

