

Commodity Futures Trading Commission
CEA CASES

NAME: NEVIN F. HENCH

DOCKET NUMBER: 230

DATE: JUNE 24, 1974

DOCUMENT TYPE: COMPLAINT

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: Nevin F. Hench, Respondent

CEA Docket No. 230

Complaint and Notice of Hearing Under the Commodity Exchange Act

There is reason to believe that the respondent, Nevin F. Hench, has violated the Commodity Exchange Act (7 U.S.C. 1 et seq.), and the regulations made pursuant thereto. In accordance with the provisions of sections 6(b) and 6(c) of the Act (7 U.S.C. §§ 9 and 13b), this Complaint and Notice of Hearing is issued stating the charges in that respect as follows:

I

The respondent, Nevin F. Hench, an individual, resides at 4201-66th Avenue North, Brooklyn Center, Minnesota.

II

From on or about June, 1972 through on or about July, 1973 respondent solicited and accepted orders for the purchase or sale of commodities for future delivery on or subject to the rules of one or more contract markets. In connection with such solicitation and acceptance of orders respondent accepted monies to margin, guarantee, or secure trades, without having registered as a futures commission merchant under the Commodity Exchange Act, as follows:

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Customer	Amount of Funds Accepted
Michael James Bakke	\$ 1,600.00
Harold M. Christenson	1,000.00
Rand D. Leeman	1,000.00
Ronald G. Oswald	6,000.00
Frank J. Jeffers	8,000.00
Inari Paaskynen	1,000.00
Dorothy E. Meany	1,000.00
Bernice Grotenhuis	2,000.00
Gerald S. Jones	1,400.00
Bruce B. Reimer	600.00
Dennis M. Morin	800.00
Michael E. Migatz	2,500.00
Martin C. Christiansen	3,000.00
Calixte L. Robideaux	2,000.00
Harold M. Juutilainen	8,000.00
Total	\$ 39,900.00

III

During the period from on or about June, 1972 through on or about July, 1973 while engaged as a futures commission merchant, respondent converted to his own use and failed to hold in separate accounts, the money received by him to margin

or secure the trades or contracts of his customers as detailed in paragraph 2 above.

IV

During this period, respondent knowingly made false and deceptive statements to the customers listed in paragraph II above concerning (a) activity in customers' accounts, although no accounts were opened in such customers' names, and (b) profits realized from activity in such customers' accounts.

V

The transactions in commodities for future delivery referred to herein, if executed, could have been used for (a) hedging transactions in interstate commerce in such commodities or the products or by-products thereof or (b) determining the price basis of transactions in interstate commerce in such commodities, or (c) delivering any such commodities sold, shipped, or received in interstate transactions for the fulfillment of such futures contracts.

VI

By reason of the facts alleged in this complaint the respondent wilfully violated section 4b, 4d, and 9 of the Commodity Exchange Act (7 U.S.C. §§ 6b, 6d and 13), and section 1.20 of the regulations issued thereunder (17 CFR 1.20).

WHEREFORE, it is hereby ordered that this Complaint and Notice of Hearing be served upon the respondent and this proceeding shall be governed by sections 0.1, 0.2, 0.4(b), 0.5 through 0.22 and 0.28 of the rules of practice under the Commodity Exchange Act (17 CFR §§0.1, 0.2,

0.4(b), 0.5 through 0.22 and 0.28). The respondent shall have twenty (20) days after the receipt of this Complaint in which to file with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, an answer, fully and completely stating the nature of the defense and admitting or denying, specifically and in detail, each allegation of this Complaint. Allegations not answered will be deemed admitted for the purposes of this proceeding. Failure to file an answer will constitute an admission of all the allegations of this Complaint and a waiver of hearing. The filing of an answer in which all the material allegations of fact contained in this Complaint are admitted likewise will constitute a waiver of hearing unless a hearing is requested. The respondent is hereby notified that unless a hearing is waived, a hearing will be held at a place and date to be specified later, before an Administrative Law Judge designated to conduct such hearing. At such hearing the respondent shall have the right to appear and show cause, if any there be, why an appropriate order should not be issued in accordance with the Commodity Exchange Act, (1) prohibiting the respondent from trading on or subject to the rules of any contract market, and directing that all contract markets refuse all trading privileges to the respondent for such period

of time as may be determined, and (2) directing that the respondent shall cease and desist from violating the Act and regulations in the manner alleged herein.

Done at Washington, D.C.

June 24 1974

[SEE SIGNATURE IN ORIGINAL]

RICHARD L. FELTNER

Assistant Secretary

LOAD-DATE: June 16, 2008

