

Commodity Futures Trading Commission
CEA CASES

NAME: JOHN C. WEAVER & SONS

DOCKET NUMBER: 231

DATE: JUNE 24, 1974

DOCUMENT TYPE: COMPLAINT

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: John C. Weaver & Sons, Respondent

CEA Docket No. 231

Complaint and Notice of Hearing Under the Commodity Exchange Act

There is reason to believe that the respondent has violated the Commodity Exchange Act (7 U.S.C. 1 et seq.), and the regulations made pursuant thereto and this Complaint and Notice of Hearing is issued alleging the following:

I

Respondent John C. Weaver & Sons is a Tennessee partnership composed of John C. Weaver, Dudley S. Weaver, II, and Robert L. Weaver with its principal office and place of business located at 64 South Front Street, Memphis, Tennessee 38101. The partnership is now, and has been since May 3, 1972, a registered futures commission merchant under the Commodity Exchange Act, engaged in trading in commodities for future delivery. Prior to May 3, 1972, the firm did business under the name of Noland-Weaver and was so registered as a futures commission merchant as of June 24, 1971. The partnership and each of the above-named partners are members of the New York Cotton Exchange, a designated contract market under the Commodity Exchange Act.

II

As of December 31, 1971, and every six months thereafter, the firm was required by section 1.10 of the regulations issued pursuant to the

Commodity Exchange Act (17 CFR 1.10) to prepare and submit to the Commodity Exchange Authority Form 1-FR, Statement of Financial Condition.

III

Despite numerous reminders, CEA Form 1-FR was received as set forth in the following table:

As of Date	Due Date	Date Received	Certified By
12-31-71	3-31-72	4-11-72	Dudley S. Weaver II
6-30-72	9-30-72	10-16-72	Dudley S. Weaver II
12-31-72	3-31-73	4-27-73	Dudley S. Weaver II
6-30-73	9-30-73	10-18-73	Dudley S. Weaver II

In addition to the delinquent filing of Form 1-FR, detailed above, numerous errors, such as improper classifications, omission of required supporting dates, and erroneous computation of the proprietary safety factor were found in those Form 1-FR submitted for the years 1972 and 1973, including that of 12/31/73, due 3/31/74, certified by Robert L. Weaver.

IV

By reason of the facts alleged in this Complaint, the respondent has wilfully violated section 4f of the Commodity Exchange Act (7 U.S.C. 6f) and section 1.10 of the regulations issued thereunder (17 CFR 1.10).

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 will 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 with an original and three copies, 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 purpose 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 of the material allegations of fact contained in the Complaint are admitted likewise shall constitute a waiver of hearing unless a hearing is requested. The respondent is hereby notified that unless such hearing is waived, the 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 will 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) suspending or revoking the registration of respondent John C. Weaver & Sons as futures commission merchant, (2) 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 (3) 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

