



U.S. COMMODITY FUTURES TRADING COMMISSION
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ARLEN BAILEY,)	
)	
Complainant)	
v.)	CFTC Docket
)	No. 04-R065
JOHN JUSTIN HOLLENBAUGH, PHOENIX)	
TRADING GROUP OF OHIO, INC., and)	
PROFESSIONAL MARKET BROKERAGE, INC.,)	
Respondents)	Corrected copy (adds Default
)	of Professional Market Brokerage)

**ORDER LIFTING STAY; ORDER OF DISMISSAL OF RESPONDENT HOLLENBAUGH
DUE TO PARALLEL PROCEEDING; ORDER OF DISMISSAL DUE TO SETTLEMENT
AS TO RESPONDENT PHOENIX TRADING GROUP OF OHIO, INC.; and DEFAULT
ORDER AND REPARATION AWARD AS TO RESPONDENT PROFESSIONAL
MARKET BROKERAGE, INC.**

The Stay in this matter issued August 31, 2005, is hereby LIFTED.

Respondent Hollenbaugh has filed a Notice of Bankruptcy and a copy of his Bankruptcy Petition. Pursuant to Rule 12.24, therefore, the complaint against Hollenbaugh is hereby DISMISSED WITHOUT PREJUDICE to complainant's opportunity to seek recovery against Hollenbaugh in the Bankruptcy Court.

Respondent Phoenix entered into an oral settlement agreement with complainant in the fall of 2005. The terms of that agreement have finally been fulfilled, and therefore the proceeding is DISMISSED as to respondent Phoenix Trading Group.

As noted previously (Order, June 30, 2005), Professional Market Brokerage, Inc. ("PMBI"), is in default for not answering the complaint. Therefore the case against that respondent is considered as a Default Proceeding conducted under Rule 12.22 of the CFTC's Reparation Rules. By defaulting, PMBI is deemed to have waived the following: the right to file an answer to the complaint, including the opportunity to select a style of proceeding, to challenge the allegations of the complaint, or to raise affirmative defenses; the opportunity to take discovery; the right to submit evidence on his own behalf, including final verified statements; and the opportunity to participate in, or to cross-examine the complainant during, an oral hearing.

Taken as a whole, the allegations of the complaint are deemed true as to PMBI. Those allegations establish numerous violations by PMBI of Sections 4b(a)(2)(C) and 4c(b) of the Commodity Exchange Act. Complainant lost \$17,613.64 as a proximate result of PMBI's violations.

To avoid double compensation, settlements received from other respondents for joint and several liability are to be deducted from the damages for which a reparation award is issued. Here, another respondent has paid complainant a total of \$1,500 in a settlement. The following award thus reflects complainant's losses minus the amount received in settlement.

Violations having been established, respondent PROFESSIONAL MARKET BROKERAGE, INC., is hereby ORDERED TO PAY REPARATIONS to complainant ARLEN BAILEY in the amount of \$16,113.64, plus prejudgment interest compounded annually at the rate of 5.10% from June 8, 2004, to the date of payment, plus \$125.00 in costs for the filing fee.

Dated: August 9, 2006


JOEL R. MAILLIE
Judgment Officer