U.S. COMMODITY FUTURES TRADING COMMISSION



Three Lafayette Centre 1155 21st Street, NW, Washington, DC 20581

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OFFICE OF PROCEEDINGS

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) KATHERINE A. BITNER,	
Complainant)	
v.)	CFTC Docket
	No. 99-R111
ADM INVESTOR SERVICES, INC.,	
CARL EDWARD POSTMA, and WEST)	
MICHIGAN COMMODITIES (d/b/a)	
"CLIFFORD D. HAVERDINK"),	•
Respondents)	
j j	

FINAL DECISION

Complainant initiated this reparations case selecting a voluntary decisional proceeding, a choice concurred in by the respondents. 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 of the Commodity Exchange Act 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 to the Commission or to any court.

In this matter, neither side took discovery. Likewise, no party submitted final verified statements, which means the case must be decided solely on the basis of the complaint, the addendum to the complaint, and the answers filed by the respondents. Upon careful consideration of the thus record made by the parties, it is concluded that complainant has failed to prove any violations of the Act. Therefore, the complaint is DISMISSED.

Dated: October 27, 1999

JOEL R. MAILLIE
JUDGMENT OFFICER