U.S. COMMODITY FUTURES TRADING COMMISSION



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

OFFICE OF PROCEEDINGS

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DAVIS G. DURHAM,) 	
Complainant)	
v.)))	CFTC Docket No. 98-R046
JAMES WILLIAM BRADSHAW and)	
JAMES WILLIAM BRADSHAW d/b/a)	
"NEURAL-TECH CAPITAL)	
MANAGEMENT,)	
Respondents)	
)	

FINAL DECISION

Complainant filed his reparations complaint 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 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 either to the Commission or to any U.S. Court of Appeals (see Rule 12.106(d)).

In this matter, the parties failed to avail themselves of the opportunity to take discovery or to file verified statements. Upon careful consideration of the pleadings filed by the parties, it is concluded that complainant has failed to establish any violative conduct on the part of respondents leading to any losses suffered by complainant. Accordingly, the complaint is DISMISSED.

Dated: July 16, 1998

Jul R. Maillie
JOEL R. MAILLIE
Judgment Officer