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U.S. COMMODITY FUTURES TRADING COMMISSION

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PATRICK J. FERNICOLA, Complainant,

v.

CFTC Docket No. 98-R159

JACK CARL FUTURES d/b/a E.D. & F. MAN INTERNATIONAL, INCORPORATED, Respondents.

FINAL DECISION

The parties have elected the voluntary decisional procedure. Under the voluntary decisional procedure, the parties are responsible for developing the record, the parties waive the opportunity for an oral hearing, and the parties waive certain rights, including the right to receive a written statement of the findings of fact upon which the final decision is based and the right to appeal this final decision to the Commission and to the federal courts.

After carefully reviewing the parties' submissions, it is hereby concluded that complainant has failed to establish any violations causing damages. Accordingly, this matter is DISMISSED.

Dated November 25, 1998.

Philip V. McGuire, Judgment Officer