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ESPY P. GREGORY, Complainant v. DONALD GRAY TRIVETTE, Respondent	CFTC Docket No. 99-R168

ORDER OF DEFAULT AND REPARATION AWARD

Respondent Trivette never responded to the complaint mailed to him at his registered address on August 20, 1999. The record includes a return receipt card signed by a "Grady Trivette" showing delivery on September 3, 1999. The answer was due on September 20, 1999, but neither an answer nor an extension request have been received. Therefore, Trivette is in default and the allegations of the complaint are deemed true as to him.

Based solely on the allegations of the complaint, it is found that respondent Trivette illegally solicited funds for a commodity pool without the benefit of registration as a commodity pool operator, that Trivette committed fraud in the solicitation and reporting of the pool's performance, and that Trivette failed to return funds to complainant when asked. These actions violated, among other things, Sections 4m(1) and 4o ("four-oh") of the Commodity Exchange Act, and caused damages to complainant in the amount of $4,164.12 (complainant's investment of $5,000 less $835.88 returned to him in 1997 and 1998).

Respondent Donald Gray Trivette is ORDERED to pay reparations to complainant in the amount of $4,164.12, plus prejudgment interest compounded annually at the rate of 5.285 % from May 12, 1997, to the date of payment, plus $50 in costs (complainant's filing fee).

Dated: September 29, 1999

Joel R. Maillie

JOEL R. MAILLIE
Judgment Officer