

Accordingly, pursuant to CFTC Rule 12.35, the complaint is DISMISSED WITH PREJUDICE.

Dated: September 23, 1997

Joel R. Maillie
JOEL R. MAILLIE
Judgment Officer

Las Vegas. One might quibble, of course, that statistically an options investor conceivably has less chance of success than a gambler, but the odds are not the issue here. What is important is that the complainant's analogy was arrived at by himself (i.e., unprompted) and that it reveals his knowledge that any suggestions of possible success were in the context of his overall chances of losing his funds. Furthermore, the transcript does not reveal another facet of complainant's comment: complainant was chuckling when he mentioned Las Vegas, suggesting that he was not only well aware of the chances he was taking but also that he was ready, willing, and eager to take the gamble with his funds.