

UNITED STATES OF AMERICA
before the
COMMODITY FUTURES TRADING COMMISSION

DOUGLAS A. MACLEOD, M.D.P.S. INC.,
PROFIT SHARING PLAN,
Complainant,

v.

ROSENTHAL COLLINS GROUP, L.L.C.,
and LAWRENCE CLARK BAER,

Respondents.

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CFTC Docket. No. 05-R023

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ORDER OF DISMISSAL

This matter was scheduled to be heard in Chicago, Illinois on October 15, 2007. On the afternoon of October 12, 2007, counsel to the parties telephoned the court to report that all issues had been resolved, negating any need for a hearing. The parties were informed that if the settlement did not include defaulting party Richard Daniels, the hearing would proceed as scheduled.

This court further informed Mr. King, counsel for Complainant, that there were serious flaws in the Complaint, especially concerning Mr. Daniels' location during the time Daniels was involved with the trading of Complainant's accounts, and more specifically, during and after the filing of the Complaint and the Motion for Default instituted against Daniels by Complainant.

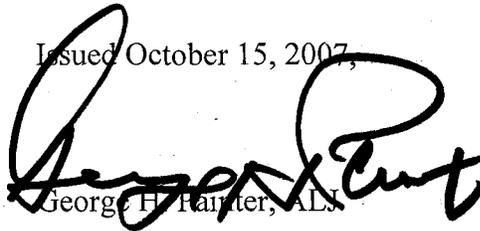
Mr. King, counsel of record for the Complainant, filed this Complaint with the Commission in December 2004. Mr. King represented that Respondent Daniels was "...at all times herein mentioned . . . a resident of the State of Washington," and listed Daniels' address as 502 So. I St., Tacoma, Washington. A letter dated August 12, 1998, and appended to the Complaint, grants Daniels power of attorney to trade Complainant's account with Respondent Rosenthal Collins. The document also demonstrates that Daniels' address was 502 So. I Street, Tacoma, Washington. The Tacoma address appears to be a short distance from Complainant's office, 502 So. M St. Tacoma, Washington. Mr. King prepared the Complaint filed with the Commission showing Daniels' address as 502 So. I Street, Tacoma, Washington. However, when serving a Motion for Default upon Daniels, Mr. King served Daniels only at a former address in Chicago, Illinois.

On October 11, 2007, the Court directed attorneys Schulman and King to provide the Court with any reliable information concerning the whereabouts of Respondent Daniels from 2005 through the present date. Mr. Schulman did not respond. Mr. King's response includes the following: "I was not aware that Mr. Daniels ever resided in Tacoma Washington. I

understood from Respondents' counsel that he resided in Chicago.¹ Mr. King's conduct in this matter requires that the Order of Default against Respondent Daniels be vacated, and it is hereby vacated

All issues between Complainant and Respondents Rosenthal Collins Group and Baer have been resolved. Accordingly, the Complaint is DISMISSED as to Respondents Rosenthal Collins Group and Baer. Due to the conduct of Mr. King, the Complaint was never served on Respondent Daniels. There being no evidence of record to show that Daniels was ever properly served with the Complaint, the Complaint in its entirety is DISMISSED WITH PREJUDICE.

Issued October 15, 2007,



George H. Painter, ALJ

¹ Mr. King also disclosed in his response that he held an actual beneficial interest in Complainant's accounts which provides the basis for the claims in this matter. Rule 1.8 of the Model Rules of Ethics prohibits representation involving claims in which counsel has an actual beneficial interest except for the interest resulting from a contingency fee agreement.