



U.S. COMMODITY FUTURES TRADING COMMISSION

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RICHARD R. MEYER and SUZANNE MEYER,
individually, and as trustees of
RICHARD R. MEYER AND SUZANNE MEYER
AB LIVING TRUST,
Complainants,

v.

RANDY BLAIR PIXLEY, and
PIXLEY CAPITAL MANAGEMENT,
Respondents.

CFTC Docket No. 06-R011

NOTICE OF CORRECTION

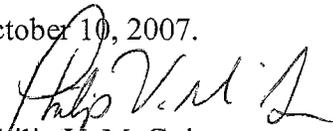
In order to clarify factual finding number 4, in the Initial Decision dated October 4, 2007, the third through fifth sentences in the first full paragraph on page 7 of the decision have been revised as follows:

After Connor had helped Meyer select Pixley, Jonkheer spoke to Pixley twice before the Meyers opened the account. Jonkheer also spoke to Pixley, and to Meyer in separate conversations, on each day during the three-day trading life of the Meyers' account. On the last day of trading, Jonkheer conducted a conference call with Meyer and Pixley to discuss the sudden trading losses and resulting margin call.¹⁶ Meyer asserted that during one of the conversations Jonkheer surmised that Pixley may have made overly large and aggressive trades for the partially funded account, estimating that Pixley should have shorted 8, rather than 24, June unleaded gasoline futures.¹⁷

[Corrected language underlined; text of footnotes remains unchanged and is not included.]

For the parties' convenience, a copy of the corrected page 7 of the Initial Decision is attached.

Dated October 10, 2007.



Philip W. McGuire,
Judgment Officer

expected rates of return.”¹⁴ After Meyer contacted IASG, Perry Jonkheer and John Connor would recommend that Meyer open an IASG account managed by Pixley and PCM. IASG introduced the Meyers’ account to Man Financial, Incorporated, a registered futures commission merchant headquartered in New York City.

Perry L. Jonkheer is the owner of IASG and is a registered principal and associated person with IASG. Jonkheer, along with John Connor, worked with Meyer over several months to select an advisor to trade a managed account to be funded with a deposit of \$50,000.¹⁵ After Connor had helped Meyer select Pixley, Jonkheer spoke to Pixley twice before the Meyers opened the account. Jonkheer also spoke to Pixley, and to Meyer in separate conversations, on each day during the three-day trading life of the Meyers’ account. On the last day of trading, Jonkheer conducted a conference call with Meyer and Pixley to discuss the sudden trading losses and resulting margin call.¹⁶ Meyer asserted that during one of the conversations Jonkheer surmised that Pixley may have made overly large and aggressive trades for the partially funded account, estimating that Pixley should have shorted 8, rather than 24, June unleaded gasoline futures.¹⁷ Neither complainants nor respondents called Jonkheer to produce written or oral testimony.¹⁸

5. John Michael Connor, at the relevant time, was a registered associated person with Man Financial. After Meyer contacted IASG, Connor became the primary contact between

¹⁴ IASG home page, dated June 12, 2004 (exhibit 15, respondents’ requests for admissions); *see* IASG Due Diligence Questionnaire (exhibit D, Richard Meyer’s affidavit).

¹⁵ *See* e-mail from Jonkheer to Meyer, dated September 9, 2003 (“I have searched for potential managers . . . that meet or exceed your minimum investment [and] risk/reward targets. . . . Unfortunately, there is not a lot to select in the way of good CTA’s with such small minimums.”) (Exhibit 20, respondents’ requests for admissions).

¹⁶ *See* Pixley’s testimony at pages 106-109, of hearing transcript; ¶18 of Richard Meyer’s affidavit; ¶20 of Complaint; complainants’ pre-hearing memorandum, at page 9; Amended Answer, at ¶5 in §IV; Pixley’s phone logs for May 5, 11 and 17, 2004 (exhibit 2 to respondents’ discovery production dated March 29, 2007); Pixley’s responses to Richard Meyer Interrogatories 5, 6, 7, and 15; Pixley’s responses to Suzanne Meyer Interrogatory 17; and NFA records.

¹⁷ Meyer’s testimony, at pages 54-58 of hearing transcript.

¹⁸ At the hearing, Pixley’s counsel insisted that he had reserved the right to call Jonkheer as a witness, but did not explain why he had not identified Jonkheer as a witness before the hearing, or why he had not made Jonkheer available to testify on the scheduled date. *See* Pixley’s testimony at pages 145-146 of hearing transcript; and Orders dated March 9, and 19, 2007, setting deadlines for producing affidavits and identifying witnesses.