U.S. COMMODITY FUTURES TRADING COMMISSION
Three Lafayette Centre
1155 21st Street, N.W., Washington, DC 20581

Office of Proceedings

EDWARD T. REILLY, Complainant v. EDWARD THOMAS TRADING COMPANY, EDWARD THOMAS GOMES, and VISION LIMITED PARTNERSHIP, Respondents	)	CFTC Docket No. 03-RO27

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FINAL DECISION

Complainant initiated this reparations case selecting a voluntary decisional proceeding, a choice concurred in by the respondents. In a voluntary proceeding, the parties submit their dispute on the papers only, waiving their right to present oral testimony. In addition, the judge is not authorized to conduct discovery on his own motion (see Rule 12.34), leaving the parties solely responsible for the development of the record. When the record is closed, the judge issues a Final Decision containing only a conclusion whether any violations of the Commodity Exchange Act have been proven, and, if so, a reparation award for any damages caused by such violations (see Rule 12.106(b)). The decision does not contain findings of fact or other evidentiary evaluations by the judge. The Final Decision is not appealable to the Commission or to any court.

In this matter, neither side took discovery, nor did either side submit verified final statements. The decision is based on the pleadings alone, including complainant's document submitted in reply to respondents' answer.

On this record, it is determined that complainant has not carried his burden of demonstrating by a preponderance of the evidence that respondents committed any violations of the Commodity Exchange Act or of the Commission's regulations. Therefore, the complaint is DISMISSED.

Dated: July 22, 2003

Joel R. Maillie
JOEL R. MAILLIE
Judgment Officer