U.S. COMMODITY FUTURES TRADING COMMISSION
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Office of Proceedings

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FRANK K. and KIM K. SHAFER, Complainants	)	
v.	)	CFTC Docket No. 05-R006
AMERICAN NATIONAL TRADING CORP. and JOSEPH SCOTT SMITH, Respondents	)	

FINAL DECISION

Complainants 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 or CFTC Rules 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 complainants' document submitted in reply to respondents' answer.

On this record, it is determined that complainants have not carried their burden of demonstrating by a preponderance of the evidence that respondents committed any violations of the Commodity Exchange Act or of CFTC regulations. Therefore, the complaint is DISMISSED.

Dated: May 25, 2005

Joel R. Maillie
JOEL R. MAILLIE
Judgment Officer