

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

RAYMOND C. SUITER, and
EVA JEAN SUITER,
Complainants,

v.

PROFESSIONAL MARKET BROKERAGE,
INCORPORATED, d/b/a PMB and USS Online;
EXCEL FUTURES, INCORPORATED,
DARYL WILBURN CLAY, and
MARK LOUIS WAGGONER,
Respondents.

CFTC Docket No. 01-R083

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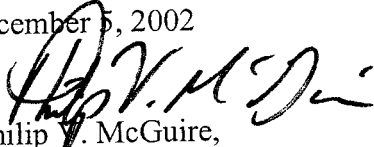
FINAL DECISION

The parties have elected the voluntary decisional procedure. Under the voluntary decisional procedure, the parties waive the opportunity for an oral hearing, and the parties waive certain rights, including the right to receive a written statement of the findings of fact upon which the final decision is based and the right to appeal this final decision to the Commission and to the federal courts.

After carefully reviewing the parties' submissions, it is hereby concluded that complainant has established that Daryl Wilburn Clay defrauded complainant during the solicitation and trading of his account in violation of CFTC rules 33.10(a), (b) and (c), and Section 4c(b) of the Commodity Exchange Act, that Professional Market Brokerage failed to adequately supervise Clay in violation of CFTC rule 166.3, and that these violations proximately caused \$9,687 in damages. Accordingly, Daryl Wilburn Clay and Professional Market Brokerage are ORDERED to pay to Raymond C. and Eva Jean Suiter reparations of \$9,687, plus \$50 in costs for the filing fee. Liability is joint and several. This award shall be reduced by the amount (\$5,000) that the Suiters have received from respondents Mark L. Waggoner and Excel Futures Incorporated under the terms of the settlement agreement with those respondents

Mark L. Waggoner and Excel Futures Incorporated have made full payment under the terms of their settlement agreement with the Suiters. Accordingly, the complaint against Mark L. Waggoner and Excel Futures Incorporated is DISMISSED.

Dated December 5, 2002



Philip V. McGuire,
Judgment Officer