

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

RECEIVED
C.F.T.C.
2008 FEB 12 A 11: 14
OFFICE OF PROCEEDINGS
PROCEEDINGS C/S/PRK

CRAIG WIGINTON

CFTC Docket No. CRAA 06-

v.

ORDER OF SUMMARY
AFFIRMANCE

NATIONAL FUTURES ASSOCIATION

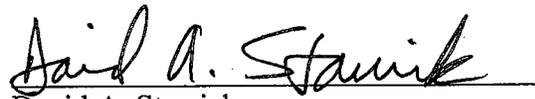
Our review of the record and parties' appellate submissions establishes that the findings and conclusions of the National Futures Association ("NFA") are supported by the weight of the evidence; we therefore adopt them. We further conclude that NFA committed no error material to the outcome of this proceeding and that the parties generally have not raised important questions of law or policy that merit extended discussion. Pursuant to Section 17(o) of the Commodity Exchange Act ("Act") and Commission Rule 171.34(c), we find that the proceedings were conducted in a manner consistent with fundamental fairness and with the rules of the NFA;

the weight of the evidence supports the findings contained in the final decision; and the conclusion reached by NFA is consistent with the purposes of the Act.¹

Accordingly, we affirm the result of NFA's decision.²

IT IS SO ORDERED.

By the Commission (Acting Chairman LUKKEN and Commissioners DUNN, CHILTON and SOMMERS).


David A. Stawick
Secretary of the Commission
Commodity Futures Trading Commission

Dated: February 12, 2008

¹ Wiginton argues that "NFA has chosen to overlook" his proposal to trade under supervision by his sponsor firm. App. Br. at 5. We have held, however, that "[w]hile a suitable supervisory arrangement may complement persuasive evidence of mitigation and rehabilitation, it cannot serve as a substitute for such evidence." *In re Horn*, [1990-1992 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 24,836 at 36,942n.23 (CFTC Apr. 18, 1990). Because NFA gave little if any weight to Wiginton's slight evidentiary showing, it did not need to reach his proposal for supervision.

² Pursuant to Commission Regulation 171.33(b), 17 C.F.R. § 171.33(b), neither NFA's decision nor the Commission's order of summary affirmance shall serve as Commission precedent in other proceedings.