

Commodity Futures Trading Commission
CEA CASES

NAME: CONTINENTAL GRAIN COMPANY, AND CLARENCE C. FIVIAN

DOCKET NUMBER: STIPULATION 28

DATE: September 13, 1955

DOCUMENT TYPE: STIPULATION OF COMPLIANCE

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: Continental Grain Company, and Clarence C. Fivian

Stipulation of Compliance under the Commodity Exchange Act

No 28

WHEREAS, the Secretary of Agriculture has reason to believe that Continental Grain Company, a corporation, and Clarence C. Fivian have violated the Commodity Exchange Act (7 U.S.C. 1-17a) and the rules and regulations thereunder (17 CFR, Chapter 1) by virtue of certain transactions involving the purchase and sale of soybean futures, and

WHEREAS, no complaint with respect to such violations has been issued, and

WHEREAS, section 0.4(a) of the rules of practice under the Commodity Exchange Act (17 CFR 0.4(a)) provides that at any time prior to the issuance of a complaint in any proceeding, the Secretary of Agriculture may, in his discretion, enter into a stipulation with a prospective respondent whereby the latter admits the material facts and agrees to discontinue the acts or practices which are intended to be set up as violative of the statute, and

WHEREAS, the said Continental Grain Company and Clarence C. Fivian are desirous of disposing of this matter by entering into such a stipulation,

NOW, THEREFORE, the said Continental Grain Company and Clarence C. Fivian hereby stipulate and represent that the following facts are true:

1. Continental Grain Company is now and was at all times mentioned herein a corporation with an office and place of business at 141 West Jackson Boulevard, Chicago, Illinois. At all such times the said corporation was a registered futures commission merchant under the Commodity Exchange Act, and exercised membership trading privileges and clearing privileges on the Board of Trade of the City of Chicago, hereinafter called the Chicago Board of Trade, a duly designated contract market.

2. Clarence C. Fivian, an individual whose address is 141 West Jackson Boulevard, Chicago, Illinois, is now and was at all times mentioned herein an employee of the said Continental Grain Company.

3. Section 1.38 of the rules and regulations under the Commodity Exchange Act (17 CFR, 1954 Supp., 1.38) provides as follows:

All purchases and sales of any commodity for future delivery on or subject to the rules of a contract market shall be executed openly and competitively as to price by open outcry or posting of bids and offers or by other equally open and competitive methods, in the trading pit or ring or similar place provided by the contract market, during the regular hours prescribed by the contract market for trading in such commodity: Provided, however, That this requirement shall not apply to such transactions as are executed in accordance with written rules of the contract market which have been submitted to and not disapproved by the

Secretary of Agriculture, specifically providing for the noncompetitive execution of such transactions.

4. Regulation 1832A of the Chicago Board of Trade prohibits trading in soybean futures during the last seven days of a delivery month. Pursuant to the said regulation, trading in July 1955 soybean futures terminated at the close of business on July 20, 1955.

5. On July 21, 1955, Clarence C. Fivian, acting on behalf of the said Continental Grain Company and with its authorization, purchased 125,000 bushels of July 1955 soybean futures by direct and private negotiation with the seller. Such transactions was not within any of the exceptions specified in section 1.38 of the rules and regulations under the Commodity Exchange Act (17 CFR, 1954 Supp., 1.38), and was in violation of the said section and Act.

In addition to admitting the foregoing facts, the said Continental Grain Company and Clarence C. Fivian hereby agree to discontinue all such acts and practices and all other acts and practices which are in violation of the Commodity Exchange Act or the rules and regulations thereunder, and further specifically agree that this stipulation shall be admissible as evidence of the acts and practices, enumerated in paragraph 5, in violation of the Commodity Exchange Act and the rules and regulations thereunder in any subsequent proceeding brought against

the said Continental Grain Company or Clarence C. Fivian, or either of them, under the provisions of the said Act.

Done at Chicago, Illinois

this 13th day of September, 1955

/s/ Continental Grain Company

Continental Grain Company

(CORPORATE SEAL AFFIXED)

by/s/ Frederick Mayer,

Frederick Mayer Secretary

/s/ Clarence C. Fivian

Clarence C. Fivian

Witnessed by:

/s/ Gladys Bauer

/s/ Lucille E. Berg

LOAD-DATE: June 16, 2008

