

Commodity Futures Trading Commission
CEA CASES

NAME: EUGENE C. CASHMAN

CITATION: 34 Agric. Dec. 1325

DOCKET NUMBER: 212

DATE: DECEMBER 20, 1973

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(No. 16,679)

In re EUGENE C. CASHMAN. CEA Docket No. 212. Decided December 20, 1973.

Speculative daily trading limits -- excessive -- Sanction

The stipulation of the respondent has been accepted by complainant in connection with his wilful violations of the Act in exceeding the speculative daily futures trading limits as found herein. Respondent is suspended as a registrant under the Act for a period of six (6) months and is denied all trading privileges during said period.

Darold A. Dandy, for complainant.

Robert P. Howington, Jr., Chicago, Ill., for respondent.

Decision by John G. Liebert, Administrative Law Judge.

DECISION AND ORDER

PRELIMINARY STATEMENT

This is an administrative proceeding under the Commodity Exchange Act (7 U.S.C. Chapter 1), instituted by a complaint and notice of hearing alleging that the respondent Eugene C. Cashman, is now and was at all times material herein a registered floor broker under the Commodity Exchange Act and a member of the Chicago Board of Trade, a duly designated contract market under the Commodity Exchange Act. The amended complaint charges, *inter alia* that the respondent violated the speculative daily trading limits fixed by the Commodity Exchange Commission by (1) selling 3,105,000 bushels of soybean futures on February 27, 1973; (2) buying 4,565,000 bushels of soybean futures on February 28, 1973; and (3) by buying 3,605,000 bushels and selling 3,175,000 bushels of corn futures on March 1, 1973. Such acts were alleged to have been wilful, and in violation of section 4a of the Commodity Exchange Act (7 U.S.C. 6a) and sections 150.4

and 150.11 of the orders of the Commodity Exchange Commission (17 CFR 150.4, 150.11).

No hearing has been held in this proceeding. The respondent has filed a stipulation under section 0.4(b) of the rules of practice (17 CFR 0.4(b)) in which he (1) admits the facts hereinafter set forth in paragraphs 1 and 2 of the findings of fact, [2] admits, for the purpose of this proceeding and for such purpose only, the remaining facts set forth in the findings of fact, and [3] waives oral hearing on the charges in the complaint and consents to the entry, without further proceedings, of a Decision and Order containing the facts admitted in such stipulation as the findings of fact, conclusions of law based on such findings and the order contained herein.

FINDINGS OF FACT

1. Eugene C. Cashman, an individual whose business address is 141 West Jackson Boulevard, Chicago, Illinois 60604 is now and was at all times material herein a registered floor broker under the Commodity Exchange Act and a member of the Chicago Board of Trade.

2. The Chicago Board of Trade is now and was at all times material herein, a duly designated contract market under the Commodity Exchange Act.

3. On February 27, 1973, the respondent violated the speculative daily trading limit of 3,000,000 bushels in soybean futures fixed by the Commodity Exchange Commission, by selling 3,105,000 bushels on or subject to the Chicago Board of Trade as follows:

Futures	Sales in Bushels
March	2,605,000
November	500,000
Total	3,105,000

4. On February 28, 1973, the respondent violated the speculative daily trading limit of 3,000,000 bushels in soybean futures fixed by the Commodity Exchange Commission, by buying 4,565,000 bushels on or subject to the Chicago Board of Trade as follows:

Future	Purchases in Bushels
March	275,000
May	2,865,000
July	1,175,000
September	245,000
November	5,000
Total	4,565,000

5. On March 1, 1973, the respondent violated the speculative daily trading limit of 3,000,000 bushels in corn futures fixed by the Commodity Exchange Commission, by buying 3,605,000 bushels and selling 3,175,000 bushels on or subject to the Chicago Board of Trade as follows:

Future	Purchases	Sales
	(In Bushels)	
March		2,950,000
May	2,910,000	
July	200,000	50,000
December	495,000	175,000
Total	3,605,000	3,175,000

CONCLUSIONS

By reason of the facts set forth in the Findings of Fact, it is concluded that the respondent Eugene C. Cashman, as charged in the complaint, wilfully violated section 4a of the Commodity Exchange Act (7 U.S.C. 6a) and sections 150.4 and 150.11 of the orders of the Commodity Exchange Commission (17 CFR 150.4, 150.11).

The complainant states that the Administrative officials of the Commodity Exchange Authority have carefully considered the stipulation submitted by the respondent. The Administrative officials believe that the prompt entry of the proposed order would constitute a satisfactory disposition of this case, serve the public interest and effectuate the purposes of the Act. The complainant recommended, therefore, that the stipulation be accepted and the proposed order be issued. It is concluded that the complainant's recommendation should be adopted.

ORDER

Effective upon the date of service of this order, the respondent, Eugene C. Cashman, shall cease and desist from exceeding the trading and position limits fixed by the Orders of the Commodity Exchange Commission.

Effective on the thirtieth day after the date of entry of this order, (1) the registration of the respondent as floor broker under the Commodity Exchange Act

is suspended for a period of six (6) months, and (2) the respondent is prohibited from trading in commodities as defined in section 2 of the Commodity Exchange Act (7 U.S.C. 2) on or subject to the rules of any contract market for a period of six (6) months and all contract markets shall refuse all

such trading privileges to the respondent during this period. Such prohibition and refusal shall apply to all such trading done and positions held directly by the respondent, either for his own account or as the agent or representative of any other person or firm, and also to all such trading done through, and to all positions held indirectly by, persons or firms owned wholly or in substantial amount by the said respondent, or in any way subject to his direction or control, wholly or substantially, including but not limited to Cashman and Company.

A copy of this decision and order shall be served on each of the parties and on each contract market.

LOAD-DATE: June 16, 2008

