

Commodity Futures Trading Commission
CEA CASES

NAME: SAMUEL E. COHEN, ALAN J. COHEN, JOEL COHEN, AND IVAR J. BLACKER

DOCKET NUMBER: 139

DATE: AUGUST 3, 1966

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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: Samuel E. Cohen, Alan J. Cohen, Joel Cohen, and Ivar J. Blacker,
Respondents

CEA Docket No. 139

Complaint and Notice of Hearing Under Section 6(b) of the Commodity Exchange Act

There is reason to believe that the respondents named herein have violated the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), and the rules and regulations issued thereunder (17 CFR, Part I), and in accordance with the provisions of section 6(b) of the said act (7 U.S.C. 9), this complaint and notice of hearing is issued stating the charges in that respect as follows:

I

The respondents are residents of Miami Beach, Florida, with the following addresses: Samuel E. Cohen, Crown Hotel, 4041 Collins Avenue; Alan J. Cohen, Saxony Hotel, 3200 Collins Avenue; Joel Cohen, 2995 Flamingo Drive; and Ivar J. Blacker, Casablanca Hotel, 6345 Collins Avenue.

II

The New York Mercantile Exchange, hereinafter referred to as the exchange, is now, and was at all times material herein, a duly designated contract market under the Commodity Exchange Act.

III

The trades and positions referred to in this complaint were trades and positions in the May 1966 potato future on the exchange. A May 1966 potato futures contract on the exchange was a contract for one carlot of 50,000 pounds of Maine-grown Irish potatoes.

IV

During the period September 29, 1965, through May 10, 1966, the respondents had an expressed or implied agreement or understanding among themselves that they would make trades and hold speculative positions in the May 1966 potato future on the exchange, and that the trading done and positions held for the account of each respondent would follow a common trading plan. Pursuant to or in accordance with the agreement or understanding referred to above:

(a) During the period October 11, 1965, to May 10, 1966, the respondents held speculative net short positions which, combined, ranged from 175 carlots on October 11, 1965, when 150 carlots were held in the account of respondent Samuel E. Cohen and 25 carlots in the account of respondent Joel Cohen, to 588 carlots on March 4, 1966,

when 144 carlots were held in the account of respondent Samuel E. Cohen, 150 carlots in the account of respondent Alan J. Cohen, 144 carlots in the account of respondent Joel Cohen, and 150 carlots in the account of respondent Ivar J. Blacker.

(b) On March 4, 1966, speculative sales of 44 carlots were made for the account of respondent Joel Cohen, and 150 carlots for the account of respondent Ivar J. Blacker.

(c) On April 4, 1966, speculative purchases of 237 carlots were made for the account of respondent Samuel E. Cohen.

(d) On May 9, 1966, speculative purchases of 61 carlots were made for the account of respondent Samuel E. Cohen, 150 carlots for the account of respondent Alan J. Cohen, and 100 carlots for the account of respondent Ivar J. Blacker.

(e) On May 10, 1966, speculative purchases of 35 carlots were made for the account of respondent Samuel E. Cohen and 144 carlots for the account of respondent Joel Cohen.

V

By reason of the facts described in this complaint, the respondents traded in potatoes for future delivery on or subject to the rules of a contract market in amounts which resulted in positions in excess of the maximum permissible quantity of 150 carlots in the May potato future, and exceeded the maximum permissible

limit of 150 carlots on the daily amount of speculative trading in the May potato future, in willful violation of section 4a of the Commodity Exchange Act (7 U.S.C. 6a), and the order of the Commodity Exchange Commission establishing limits on positions and trading in potatoes for future delivery (17 CFR 150.10).

WHEREFORE, it is hereby ordered that this complaint and notice of hearing be served upon the said respondents. The respondents will have twenty (20) days after the receipt of this complaint in which to file with the Hearing Clerk, United States Department of Agriculture, Washington, D. C. 20250, an answer with an original and five copies, fully and completely stating the nature of the defense and admitting or denying, specifically and in detail, each allegation of this complaint. Allegations not answered will be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the allegations of this complaint and a waiver of hearing. The filing of an answer in which all of the material allegations of fact contained in the complaint are admitted likewise shall constitute a waiver of hearing unless a hearing is requested. The respondents are hereby notified that unless hearing is waived, a hearing will be held at 10:00 a.m., local time, on the 15th day of November, 1966, in Miami, Florida, at a place therein to be specified later, before a referee designated to conduct such hearing. At such hearing, the respondents will have

the right to appear and show cause, if any there be, why an order should not be made directing that all contract markets refuse all trading privileges to each respondent for such period of time as may be determined.

Done at Washington, D. C.

August 3, 1966.

[SEE SIGNATURE IN ORIGINAL]

Assistant Secretary

George L. Mehren

LOAD-DATE: June 12, 2008

