

Commodity Futures Trading Commission
CEA CASES

NAME: VINCENT W. ROONEY

CITATION: 16 Agric. Dec. 191

DOCKET NUMBER: 75

DATE: MARCH 12, 1957

DOCUMENT TYPE: DECISION AND ORDER

(No. 4963)

In re VINCENT W. ROONEY. CEA Docket No. 75. Decided March 12, 1957.

Denial of Trading Privileges -- Revocation of Registration -- Consent Order

Respondent admitted the jurisdictional facts and consented to the issuance of an order revoking his registration as a floor broker and directing all contract markets to refuse trading privileges to him through December 31, 1957.

Mr. Benj. M. Holstein, for Commodity Exchange Authority. *Mr. James J. Coughlin*, of Chicago, Illinois, for respondent.

Decision by Thomas J. Flavin, Judicial Officer

PRELIMINARY STATEMENT

This is a disciplinary proceeding under the Commodity Exchange Act (7 U.S.C. 1952 ed., Chapter 1) instituted by a complaint and notice of hearing issued under section 6(b) of the act (7 U.S.C. 1952 ed., § 9) by the Acting Secretary of Agriculture on January 4, 1957.

The respondent is an individual registered as a floor broker under the act. The complaint charges that the respondent, knowingly and without the prior consent of his principal, became the buyer with respect to selling, orders of the principal, that he filled orders by offset, that he caused prices to be recorded which were not true and bona fide prices, and that he failed to execute futures trades openly and competitively, in wilful violation of sections 4b(D) and 4c(C) of the act (7 U.S.C. 6b(D), 6c(C)), and section 1.38 of the rules and regulations (17 CFR 1.38). The charges are based upon allegations that the respondent, having in his possession orders theretofore received from three firms who were his principals, to sell for their respective accounts approximately 31 contracts, in the aggregate, of September lard futures on the Chicago Board of Trade, entered into direct and private negotiations with another registered floor broker, one Joseph A. McDonough, and, at a time when the price of September 1956 lard futures was 10.75 -- 10.70 cents per pound, instructed the said McDonough to enter on his trading records sales of the 31 contracts for the said firms at prices of 10.50 and 10.55 cents per pound, thus purporting to show that the said Joseph A. McDonough was the selling broker on such transactions. The complaint alleges further that the said McDonough recorded the trades as instructed and that the respondent took the buying side of such trades by recording the purchase of 26 contracts for his personal account without the consent of his principals, and by recording the purchase of the remaining five contracts for the accounts of customers, and that the respondent caused the prices of 10.50 and 10.55 to be registered as official price quotations of the Chicago Board of Trade.

No hearing has been held. On February 28, 1957, the respondent submitted for filing in the record, under section 0.4(b) of the rules of practice (17 CFR

0.4(b)), a stipulation which withdraws the answer previously filed, admits jurisdictional facts, waives hearing, and consents to the entry of an order

revoking the respondent's registration as a floor broker and directing all contract markets to refuse all trading privileges to him through December 31, 1957, such refusal to apply to all trading done and positions held by him directly or indirectly.

FINDINGS OF FACT

1. Respondent Vincent W. Rooney, an individual whose address is Room 801, 327 South LaSalle Street, Chicago 4, Illinois, is now and has been at all times material herein a registered floor broker under the Commodity Exchange Act and a clearing member of the Board of Trade of the City of Chicago, trading in commodity futures on contract markets for his own account and for the accounts of customers.

2. On August 27, 1956, respondent Vincent W. Rooney entered into transactions in September 1956 lard futures with one Joseph A. McDonough on the floor of the Board of Trade of the City of Chicago, a duly designated contract market.

CONCLUSIONS

Section 0.4(b) of the rules of practice under the Commodity Exchange Act (17 CFR 0.4(b)) provides as follows:

"(b) Consent order. At any time after the issuance of the complaint and prior to the hearing in any proceeding, the Secretary, in his discretion, may allow the respondent to consent to an order. In so consenting, the respondent must submit, for filing in the record, a stipulation or statement in which he admits at least those facts necessary to the Secretary's jurisdiction and agrees that an order may be entered against him. Upon a record composed of the complaint and the stipulation or agreement consenting to the order, the Secretary may enter the order consented to by the respondent, which shall have the same force and effect as an order made after oral hearings."

The facts admitted by the respondent and set forth in the Findings of Fact are sufficient to subject him to the jurisdiction of the Secretary of Agriculture.

The complainant has filed a recommendation which recites that it has carefully considered the stipulation and the terms of the order to which the respondent proposes to consent. The complainant states that, in its opinion, the proposed sanction would

be adequate and the prompt entry of such an order without further proceeding would constitute a satisfactory disposition of the case, serve the public interest, and effectuate the purposes of the Commodity Exchange Act, and it therefore recommends that the waiver be accepted and the order to which the respondent has consented be issued. The complainant also states that the respondent has agreed the order should become effective upon the date of issuance. It is concluded that such an order should be issued.

ORDER

Effective upon the date of issuance of this order, the registra-of Vincent W. Rooney as a floor broker is revoked.

Effective upon the date of issuance of this order, all contract markets shall refuse all trading privileges to Vincent W. Rooney through December 31, 1957, such refusal to apply to all trading done, and positions held directly by the said Vincent W. Rooney, and also to all trading done and positions held indirectly by persons or firms owned or controlled by him, or otherwise.

A copy of this decision and order shall be served upon the respondent and upon each contract market.

LOAD-DATE: June 8, 2008

