

**COMMENT**06-5  
(5)RECEIVED  
2006**secretary**

**From:** Steve Briese [Steve@InsiderCapital.com]  
**Sent:** Friday, September 22, 2006 6:50 PM  
**To:** secretary  
**Subject:** Advertising by Commodity Pool Operators, Commodity Trading Advisors

I have not had the opportunity to reply in detail to this proposal, principally due to deficiencies in your request for comments, namely:

1. Although this request is noted under the CFTC's "Press Releases," I did not notice under the "What's New " listing your home web page. Perhaps I missed it.
2. Your period for requests is, as per your custom, unduly brief. Many of the general circulation commercial publications that cover the futures industry are published monthly, so even if you actually released the "press release," there is no time provided for their publication. If the rules have been satisfactory for 25 years, I would think 90 days notice (and a prominent display on your home page) would not be an undue hardship. I find it ironic that the Commission would handle a proposal aimed at deceptive practices, in such a manner.
3. Your request for public comment was defective in that several of the internet links listed for reference do not in fact work. I refer you to the following references in your request:

<http://www.cftc.gov/cftc.cftclawreg.htm>. and  
<http://www.ftc.gov/bcp/guides.endorse.htm>.

4. It appears that toward the end of your proposal you seek to include person who are not required to register as CTAs. Further, your proposal sets forth certain claims regarding the 1st Amendment. I believe the Commission is bound by a related consent agreement in a landmark decision, to which I was a Plaintiff:

**The Findings of Fact, Conclusions of Law and Legal Determinations rendered by Judge Ricardo Urbina in UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA in Civil Action No.: 97-1711 (RMU) styled as:**

**FRANK TAUCHER (sic), et al.,  
 Plaintiffs,**

v.

**BROOKSLEY E. BORN, et al.,  
 Defendants**

I would object to any proposed regulation that would infringe on this decision and request that you provide a copy of the proposal to our attorney in this case: The Institute for Justice.

Yours very truly,  
 Stephen E Briese  
 850-932-9411

**Received CFTC  
 Records Section**

10/2/06

9/25/2006