

Commodity Futures Trading Commission
CEA CASES

NAME: SECRETARY OF AGRICULTURE V. FRED J. HOLZAPFEL

DOCKET NUMBER: 3

DATE: JUNE 10, 1937

DOCUMENT TYPE: DECISION AND ORDER (Order Revoking Registration)

UNITED STATES OF AMERICA

BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 3 C.E.A.

Secretary of Agriculture, Complainant, v. Fred J. Holzapfel, Respondent.

Order Revoking Registrations as Futures Commission Merchant, and as Floor Broker, under the Commodity Exchange Act

PROCEEDINGS

This is a proceeding under the Commodity Exchange Act which was instituted by the Secretary of Agriculture by a complaint on May 13, 1937.

In the complaint it was alleged that Fred J. Holzapfel, hereinafter called the registrant, filed with the Department of Agriculture on August 29, 1936, an application on Form 1-R for registration as futures commission merchant, and an application on Form 2-R for registration as floor broker, pursuant to said act and the rules and regulations of the Secretary of Agriculture; that the said registrations were issued by the Secretary of Agriculture on September 3, 1936, and September 4, 1936, respectively; that the registrant was suspended from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to the action of the board of directors of that exchange on March 24, 1937; and that the registrant violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report on Form 3-R the fact of the suspension referred to above within ten days after the date thereof. Said registrant was notified to appear at a hearing at 10 a.m. on June 7, 1937, at Washington, D. C., before a referee to be designated by the Secretary of Agriculture and show cause, if any there be, why the registrations of said registrant should not be suspended or revoked.

The complaint was duly served upon the registrant, and on May 20, 1937, said registrant waived a hearing in this proceeding and the right to submit evidence therein, consenting and agreeing that his registration as futures commission merchant and registration as floor broker be revoked by the Secretary of Agriculture.

FINDINGS OF FACT

The Secretary finds (1) that Fred J. Holzapfel filed an application on August 29, 1936, on Form 1-R for registration as futures commission merchant, and an application on Form 2-R for registration as floor broker, pursuant to said act and the rules and regulations of the Secretary; (2) that the said registrations were issued by the Secretary of Agriculture on September 3, 1936, and September 4, 1936, respectively; (3) that said registrant was suspended from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to action of the board of directors of that exchange on March 24, 1937; (4) that said registrant has violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report the fact of such suspension within

ten days after the date thereof as required by said rules and regulations; and (5) that said registrant, on May 20, 1937, waived a hearing and the right to submit evidence and consented that his registration as futures commission merchant and registration as floor broker under said act be revoked by the Secretary of Agriculture.

ORDER

IT IS THEREFORE ORDERED, pursuant to provisions of said act, that the registrations of Fred J. Holzapfel be, and the same are hereby revoked.

IT IS FURTHER ORDERED that a copy of this order be served upon the respondent by registered mail and that this order shall become effective immediately.

(SEAL)

IN WITNESS WHEREOF, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, this 10th day of June 1937.

(Signed) H. A. WALLACE

Secretary of Agriculture.

LOAD-DATE: June 11, 2008

