

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

CHENLI CHU

v.

PEREGRINE FINANCIAL GROUP, INC.
and JAMES FRANCIS KELLY

CFTC Docket No. 07-R029

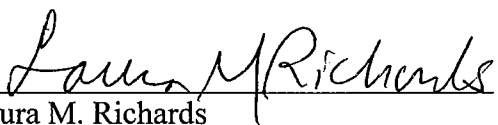
ORDER PURSUANT TO
DELEGATED AUTHORITY

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Nicholas P. Iavarone (“Iavarone”), one of the attorneys representing respondents in this proceeding, seeks Commission review of the Administrative Law Judge’s (“ALJ”) order debarring him from acting further as counsel in this case. *See* Notice of Disbarment (June 16, 2008). Iavarone, proceeding pro se, filed a pleading styled an “Appeal Brief” on July 1, 2008 and tendered \$50 for the appellate filing fee.

Iavarone errs in resorting to the Commission’s appellate review procedures, which apply to review of “an initial decision or other disposition of [an] entire proceeding.” *See* Commission Regulation 12.401(a). Debarment orders are immediately appealable under the Commission’s interlocutory review authority. *See* Commission Regulations 12.9(b), 12.309(a)(2). Iavarone’s “appeal” is deemed an application for interlocutory review. The Proceedings Clerk shall return the filing fee. Any responses by other parties shall be filed and served within seven days of the date this order is issued. *See* Commission Regulation 12.309(b).

IT IS SO ORDERED.¹


Laura M. Richards
Deputy General Counsel
Commodity Futures Trading Commission

July 8, 2008

¹ By the Commission pursuant to delegated authority. 17 C.F.R. § 12.408(a)(6).