

UNITED STATES OF AMERICA
Before the
U.S. COMMODITY FUTURES TRADING COMMISSION

In the Matter of:)
)
)

Udo Rotmistrenko)
)

Registrant.)
)
)
)

CFTC Docket No. SD 04 - 05

OFFICE OF PROCEEDINGS
PROCEEDINGS CLERK

2004 AUG - 6 P 3: 39

RECEIVED
C.F.T.C.

**NOTICE OF INTENT TO SUSPEND OR MODIFY REGISTRATION
PURSUANT TO SECTION 8a(11)(A) OF
THE COMMODITY EXCHANGE ACT**

I.

BACKGROUND

The U.S. Commodity Futures Trading Commission (“Commission”) has received information from its staff that demonstrates, and the Commission’s Division of Enforcement (“Division”) alleges and is prepared to prove that:

1. Udo Rotmistrenko (“Registrant”) resides in Kew Garden Hills, NY.
2. Registrant has been continually registered as a commodity trading advisor (“CTA”) and an associated person (“AP”) since March 15, 2000.
3. In May 2004, the U.S. Attorney for the Southern District of New York filed a criminal complaint in *United States v. Udo Rotmistrenko*, No. 04 MAG 1054 (SDNY). The complaint charged Registrant with three counts of wire fraud in violation of 18 U.S.C. § 1343, which is a federal felony punishable by up to five years in prison.

4. The criminal complaint charges Registrant with the commission of, or participation in, crimes involving violations of federal law that reflect upon the honesty or the fitness of Registrant to act as a fiduciary and that are punishable by imprisonment for a term exceeding one year.

5. The continued registration of Registrant may pose a threat to the public interest or may threaten to impair public confidence in markets regulated by the Commission. Accordingly, Registrant is subject to having his registration suspended or modified under Section 8a(11)(A) of the Act, 7 U.S.C. § 12a(11)(A) (2002).

II.

Pursuant to its responsibilities under the Act and by reason of the foregoing allegations by the Division, the Commission deems it necessary and appropriate that public proceedings be conducted in accordance with the provisions of Section 8a(11) of the Act, and Commission Regulation 3.56, 17 C.F.R. § 3.56 (2004), to determine whether Registrant is subject to modification or suspension of his registration status as alleged and, if so, whether the current registration of Registrant should be modified or suspended.

III.

WHEREFORE, IT IS HEREBY ORDERED that this Notice of Intent to Suspend or Modify ("Notice") be filed and that a proceeding be conducted in accordance with the provisions of Regulation 3.56 to determine whether the Registrant is subject to suspension or modification of his registration, and if so, whether the current registration of the Registrant should be suspended or modified.

Pursuant to Regulation 3.56(b)(1), Registrant may submit a written response to the Proceedings Clerk within twenty (20) days after service, and shall serve two copies of such

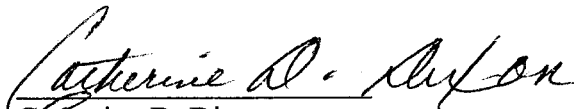
written submission and any documents filed in this proceeding upon William Longwitz, Trial Attorney, Division of Enforcement, Commodity Futures Trading Commission, 1155 21st St. NW, Washington, D.C. 20581.

Pursuant to Regulation 3.56(b)(2), Registrant may also request an oral hearing.

IT IS FURTHER ORDERED that this Notice shall be served on Registrant personally or by registered or certified mail forthwith.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of the investigative or prosecutorial functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon this matter except as witness or counsel in proceedings held pursuant to notice.

By the Commission.


Catherine D. Dixon
Assistant Secretary of the Commission
U.S. Commodity Futures Trading Commission

Dated: August 6, 2004