

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

RECEIVED
C.F.T.C.
2005 SEP 22 P 2:47
OFFICE OF PROCEEDINGS
PROCEEDINGS CLERK

_____ :
In the Matter of :
: :
: :

STEVEN G. SOULE, KYLER F. LUNMAN II, :
ROBERT C. ROSSI, and HOLD-TRADE, :
INC. a.k.a. HOLD TRADE, LIMITED :
: :
_____ :

CFTC Docket No. 99-4

ORDER DENYING
RECONSIDERATION


Respondent Robert C. Rossi ("Rossi") seeks reconsideration of our August 17, 2005 decision imposing a \$400,000 civil money penalty on him. He raises several arguments relating to his ability to pay the penalty assessed, the sentence imposed on him in a parallel criminal case, and the arbitrariness of imposing both a lifetime trading ban and a substantial civil money penalty.

We find that none of the issues raised meet Commission Rule 10.106's standard for reconsideration. Moreover, the Division of Enforcement ("Division") initiated the appeal when the presiding Administrative Law Judge declined to impose a civil money penalty because he deemed it unlikely that the penalty would be collectible. Rossi did not file a response to the Division's appeal brief. Rule 106 limits reconsideration to new questions raised by the decision and concerning which the petitioner had no opportunity to argue before the Commission.

Accordingly, the petition is denied.

IT IS SO ORDERED.

By the Commission (Chairman JEFFERY and Commissioners LUKKEN, BROWN-HRUSKA, HATFIELD and DUNN).


Catherine D. Daniels
Assistant Secretary of the Commission
Commodity Futures Trading Commission

Dated: September 22, 2005