

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

JOSEPH P. ZEMEN

v.

ALLAN S. ADAR, CONCORDE TRADING
GROUP, INC., ALLAN KANTER, and
KENNETH L. VOSS

CFTC Docket No. 01-R86

ORDER PURSUANT TO
DELEGATED AUTHORITY

In July 2002, respondents Allan S. Adar (“Adar”), Allan Kanter (“Kanter”), and Kenneth L. Voss (“Voss”) each timely filed a notice of appeal from a Judgment Officer’s initial decision awarding the complainant, Joseph P. Zemen (“Zemen”), almost \$30,000 in damages.¹ In response to a written request by Adar, the Commission subsequently delayed respondents’ deadline for submitting appeal briefs until November 15, 2002. In its order, the Commission noted the receipt of a letter from Zemen stating that he had reached settlements with Adar, Kanter, and Voss, and it advised the parties they were free to resolve their disputes in accordance with Rule 12.17 (governing the satisfaction of complaints) or in Rule 12.21 (governing voluntary dismissals).

Zemen has submitted two identically worded notices of satisfaction and withdrawal of the complaint pursuant to Rule 12.17. The first notice bears the signatures of Zemen and Kanter; the second bears the signatures of Zemen and Adar. As both notices satisfy the requirements set forth in Rule 12.17, Zemen’s complaint is dismissed against Kanter and Adar.

¹ The Judgment Officer ordered Adar and Kanter to pay \$29,585 plus interest and ordered Voss to pay \$22,753 plus interest. *Zemen v. Concorde Trading Group, Inc.*, [Current Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 29,058 at 53,625 June 18, 2002) (JO June 18, 2002).

The Commission has not received any submission from the remaining respondent, Voss. In accordance with Rule 12.401, Voss's failure to file an appeal brief within the time allotted is deemed a waiver of his appeal rights. Accordingly, Voss's appeal is dismissed for want of prosecution. The Initial Decision shall become final upon service of this order upon Voss. IT IS SO ORDERED.²

Edson G. Case
Deputy General Counsel
Commodity Futures Trading Commission

Dated: December 20, 2002

² By the Commission pursuant to delegated authority. 17 C.F.R. § 12.408(a)(1), (4).