

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

BENJAMIN J. KERPE

v.

NATIONAL FUTURES ASSOCIATION

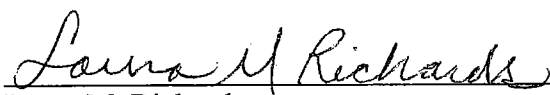
CFTC Docket No. CRAA-08-02

ORDER OF DISMISSAL PURSUANT
TO DELEGATED AUTHORITY

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OFFICE OF PROCEEDINGS
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Benjamin J. Kerpe ("Kerpe") filed a timely notice of appeal from a December 31, 2007 decision of the National Futures Association ("NFA") Appeals Committee affirming a Hearing Panel decision that Kerpe violated NFA Compliance Rules 2-2(a) and 2-29(a)(1). NFA filed and served the case record on February 29, 2008. Pursuant to Commission Regulations 171.25 and 171.9(b), Kerpe had to file and serve his appeal brief on or before April 4, 2008. He has not done so. Accordingly, NFA's unopposed motion to dismiss Kerpe's unperfected appeal is granted.

IT IS SO ORDERED.¹


Laura M. Richards
Deputy General Counsel
Commodity Futures Trading Commission

Dated: April 23, 2008

¹ By the Commission pursuant to delegated authority. 17 C.F.R. § 171.50(a)(5), (8). Kerpe may file a petition for reconsideration of this order with the Commission within seven days after service of this order *Id.* at 171.50(b).